

**Milton Town Council Meeting
Milton Library 121 Union Street
Monday, April 21, 2014, 6:30pm**

Transcriptionist: Helene Rodgville
[Minutes are not Verbatim]

1. Call to Order – Mayor Jones
2. Moment of Silence
3. Pledge of Allegiance to the Flag
4. Roll Call – Mayor Jones

Councilman West	Present
Councilwoman Patterson	Present
Councilman Coté	Present
Councilwoman Parker-Selby	Present
Councilman Collier	Present
Mayor Jones	Present
Vice Mayor Booros	Absent

5. Additions or Corrections to the Agenda

Mayor Jones: Are there any additions or corrections to the agenda. I do have a request, please, to move Item 10.c. under New Business forward, since we have a representative for that contract here this evening. I would like to put the fence contract award, above the water tower foundation. Are there any others?

6. Agenda Approval

Councilman Collier: Motion to approve the agenda, as amended.

Councilwoman Parker-Selby: Second.

Mayor Jones: All in favor say aye. Opposed. Motion carried.

7. Presentation by Tidewater Utilities regarding wastewater treatment plant upgrades

Mayor Jones: We have a representative, Mr. Jerry Esposito here this evening.

Jerry Esposito: Good evening. I'm Jerry Esposito, President of Tidewater Utilities and Tidewater Environmental Services. With me is Bruce Patrick, the General Manager of Tidewaters and in the audience is Jeremy Combacher, our Engineering Director. I wanted to give a brief presentation that is a summary of a letter that was sent to the Mayor on March 17th, I think it was, about our plans for upgrading the wastewater treatment plant to stay in compliance with the discharge permit that we have from DNREC to discharge continuing into the Broadkill River. Just a little bit of history and this won't take more than five minutes and then we can answer questions at the discretion of the Council. About six years ago the decision was made by the Town to turnover the plant through a process that we won't go through again

tonight, to Tidewater. The main reason, for those of you who were here back then was because the plant was undergoing some compliance issues and there was going to need to be an investment in the plant, so once taken over, the plant was brought into compliance. We knew we had a discharge permit that was to be issued by DNREC again; permits for discharges into Delaware's rivers are issued every five years. So approximately four years ago the new discharge permit was issued, with requirements that were more stringent than were in place at the time. The plan, as some of you remember, was to build a new plant off the river, which was to be responsive to the compliance needs and also the growth that was going to occur six years ago in the Town. Now, the Town obviously suffered a lot of the same economic downturn as the rest of the economy, but it does continue to grow and in the meantime, we've been putting various improvements, upgrades, capital and operationally into the plant, to the tune of about \$2 million, some of which were defrayed by a rate case that was settled a couple of years ago; that the Town participated in, as well as many of our other wastewater plants. But even though we've added more customers over time; not certainly at the pace that we expected six years ago, because of the improvements that we made in upgrading and maintaining the plant, we actually were able to reduce the amount of wastewater that goes through the plant, because there are what I'll call some leaky sewer pipes in the town. In the last two years, it's become increasingly a challenge to operate this plant. Just a little bit of perspective, this plant has about 60 year old technology; the treatment process is called RBC, or Rotating Biological Contactors. It's only one of two plants left in the State with that kind of technology. It is able to function, but with the current permit that goes into affect next May, of 2015, we will have to upgrade the plant. So what we ended up doing, we contracted with George, Miles and Buhr, consulting engineering firm, to look at various options that would allow us to maintain the plant as long as we could; put in the upgrades necessary to maintain compliance, but allow for some growth to occur in the Town as it occurred. We looked at various options. We summarized some of the options, in the letter that I referred to. The options ranged from what I would call a small package unit plant that would be added to the existing treatment plant and basically have a parallel system that would then treat, using the old plant, and with the new plant... why don't you show them what we're looking at here, Bruce?

Bruce Patrick: In the existing plant, the alternative Jerry's referring to is essentially a 100,000 gallons per day NBR (a little package wastewater treatment plant). Essentially it's about 10' wide, 55-60' long; it's almost like a skid; essentially it could be delivered on a truck and placed in operation. That's a little bit oversimplifying it, but the approach there was to try to spend minimal cost and essentially buy some time. The new permit has nitrogen limits, has phosphorous limits which the old permit doesn't; so what we did with this alternative is look at if you send 100,000 gallons per day through this smaller plant... the new plant is a package plant essentially that would blend the flows together; it would take 100,000 gallons per day through the new plant; the remainder would go through the existing plant and the blended flows would then meet the new permit limits that take affect in May, 2015. So that was one of the alternatives that we looked at and we described in a letter to the Mayor. That actually is the most economical alternative, in the price range of about \$1.5 million, for that particular alternative.

Jerry Esposito: So we'll get to any questions the Council may have. We looked at a series of options; narrowed it down to about 3 or 4. The ones that were trying to be responsive to the original plan and to the Town's desire to "get off the river", meaning remove the plant from the

site that's on the river itself, that the Town owns. They all achievable, but they're all much more expensive than operating what I would call a portable, mobile 100,000 gallons per day plant that gets us enough time and allows another 500-600 homes to be served in the Town; keep you in compliance; and gradually, as opposed to dramatically, increase the cost for the plant. So any of the other options range from \$2-4 million and then, if we go to the site that we've talked to, the original of what we call the Sam Lucas Road Property and we've spoken to the owners of this property; under certain terms we can certainly have access to it, but you can see the distance and the geography; what that would do would be to add costs to it. So we're willing to do that, but we have to do something. The bottom line is this permit is something that's non-negotiable with the State. We've spoken to the State as recently as a week and a half ago and they're willing, by the way Council Meeting to come to the Town and answer any questions that you have, without us being there; in case you want to validate what we're saying here. It's a situation that we think we can minimize the impact of, but we have to do something and we've started engaging to do what we think is the least costly option. Let me stop there for questions. Councilwoman Parker-Selby: Would you repeat... I heard somewhat in the beginning of the discharge factor, 36 gallons... Explain that, please, to me.

Bruce Patrick: I apologize if I spoke a little fast or a little bit unclear. DNREC performed a study on the Broadkill River to see what would be allowed to be discharged from our plant, as well as other sources. The allocation that the plant received for nitrogen was 36.1 pounds per day; so that's our nitrogen limit. There are other limits, as well. The original technology that we have, is not designed to remove nitrogen. In addition to the nitrogen, there's phosphorous limits and of course there's organic loading limits, which the Town struggled with when the Town had the system. We tried our best. We did pretty well for about seven years on those organic loading limits; but it's actually been a struggle lately. We've actually had a couple of blips on the radar, so we're walking a fine line with the organic loading.

Councilwoman Parker-Selby: Thank you.

Mayor Jones: Questions from Council?

Councilman West: Yes, my question is you saying you're pumping out 100,000 gallons per day; the Town water usage is only half that, so where's the rest of it coming from?

Bruce Patrick: The approximate daily flow to our wastewater treatment plant today is about 175,000 gallons per day; that's actually down. A few years ago it was 180,000, 185,000, 190,000. We've performed significant improvements. We've replaced a couple of sections of the collection system. Actually as Jerry said, we put in bowls, essentially containers, in all the manholes which divert a lot of the inflow that's going into the system, so we've actually reduced it. With that said, I'm sure the Town has a very... It's an older collection system, a lot of it's... I'm sure there's still some infiltration that's coming in, in some of the deeper collection systems and into some of the manholes, so we certainly will continue to look for fixing those alternatives and correcting them. I will say they are very, very, very costly when you get into replacing _____, so it could easily eclipse the cost of a new sewer plant, so we try to identify where we get the best bang for the buck; we actually relined four manholes last year, in Town and we have proposed to reline another eight or nine this year; so we do look for those types of opportunities.

Mayor Jones: This proposal that you're making on the footprint of the present wastewater treatment plant, it's estimated that Milton will have approximately 450 to 500 new EDU's for it's growth. How long do you expect this band aid of a remedy, because that's what I call

anything on the present footprint. You and I have had these discussions. The public's well aware that what we really want to know is what does it take to get Tidewater off the river? So this is going in very much of a very different direction; but how long do you expect this new fix will be workable, at the present plant? What do you anticipate for any capacity outside of Milton that you may be bringing in and actually, 450 EDU's is not a great number. If Milton's looking at it's Comprehensive Plan now. It's potential for development; that doesn't take us very far. What is your view as to how long this fix will sustain?

Jerry Esposito: It's a very comprehensive question. At the current rate, if I understood right, the last couple of years you've issued about 40 some building permits a year. So the simple math would say 10 years. I don't think that that is what we would wait for. A normal design for an engineering project like this is you wait for 80-85% capacity and then you build for the future. You design for the future. Right now there is no serious inclinations from any people outside of Town to come into the Town; but what I want to try to explain and we tried to explain in the letter is, we can build better than the band aid, but it will cost more money. It's very simple. This band aid is put in place to keep us in compliance and to minimize the rate impact to Milton. It's that simple.

Mayor Jones: Can you actually, realistically build someplace else and still be in compliance in a year's time?

Bruce Patrick: That actually would be very difficult, to go secure the land, to get all the permits, the construction done and get it back to the town. The DNREC has new limits right now. We're walking a fine line. We're meeting those new limits a lot of the time, not all the time. We had a couple of blips on the radar last summer, where we did not meet the new limits a couple of times. If we knew that the Town absolutely wanted something like that; realizing the magnitude of the cost because it's substantially a different magnitude; it's not even close; realizing the magnitude of the cost perhaps it would be better to work with DNREC and I don't know how workable DNREC would be to work with us. I do know that when we met with them, they kind of nodded their head and said it's time to really start moving something along. That's a long answer to this time next year, when it gets to next May, if they knew something was in the works, I have a feeling that they would be willing to work with us. I can't answer for DNREC, but I have a feeling they would be willing to work with us, seeing things moving in that direction. So perhaps it wouldn't be a hard deadline under that scenario, but that's something that hasn't been broached at this point.

Jerry Esposito: And if it were part of a grander plan to build the larger plant; which obviously DNREC would support as well; even though it may be slightly more costly, I did say this unit that we're talking about here, is somewhat mobile. It's not something you want to... it's not on wheels or something like that, so if we were facing a compliance issue, because we're operating it this summer and we see that we're running up against things, we could try to stay in compliance, while we're building the other plant; but those are added costs, as well. If we knew the direction, I'm sure we could work to keep it in compliance.

Councilman Collier: I have a question and you kind of prompted this. Currently at what percentage of capacity is the plant, as it stands today operating at?

Bruce Patrick: I can answer that in a couple of different ways. The original plant was designed for 350,000 gallons per day, so flow-wise you're at about half the capacity. There's no longer a flow limit in the DNREC permit. You're actually allowed, in theory you could discharge a million gallons per day if you could remove enough of the nutrients, enough of the organic

matter and so forth; so flow-wise the plant was designed for 350,000 or at 175,000 you could say you're at 50%; unfortunately, that's no longer the driving factor. The organics and the nitrogen and the phosphorous are the driving factors. The organics, unfortunately, we exceeded last summer on a couple of different occasions. For the most part we're probably 80-90% with them; however, a couple of times we were over 100%, we exceeded. The nitrogen, the permit on an annual basis, there's multiple tiers; on an annual basis we're allowed to discharge around 13,000 pounds per year. Last year we discharged about 11,000; so you're kind of getting close. There's not a lot of wiggle room. So with the new limits, you're really approaching several different criteria or parameters in the new permit.

Councilman Collier: Well it would seem to me that the limits would influence the capacity of the plant, even if that's not a factor, as you describe it today. My concern, more so than anything else is, this band aid, as it's been called, you're talking about increasing the EDU numbers by 400 plus units, so where does this all factor in? I just happen to be sitting here reading the agreement that was signed between the Town and Tidewater and it just says if and when 80% of the TESI's capacity has been committed, it doesn't determine whether that's flow capacity or treatable capacity and with what you're telling me right now, you've exceeded 80% of treatable capacity, so therefore to me, that seems to kick in because it's not clearly defined. That seems to kick in the need for you guys to move forward with getting a plant built somewhere else and I understand about the costs, but I can't imagine... well yes I can imagine because if you build a plant you're going to build one to service the current area, with very little regard to what may be coming down in the future. Of course, the first guy's on, absorb the cost.

Jerry Esposito: I'll try and make it a little simpler then that, if I can. All of you, most of you, remember the rate case that we just finished a couple of years ago and negotiated and it was tested that we tried to blend some costs of other of our wastewater plants; we own eight plants; with or without Milton and if you recall, it was the Public Service Commission with the Public Advocate that said everybody needs to stand on their own. So, by fiat, you could say law, Milton's tariff that TESI has is for Milton; so any investment in Milton, subject to the amount of investment that the company puts in, which you remove; all of it stands on it's own. Your customers are going to pay for whatever is put here. It's just the same way it would be if you owned the plant. If you owned the plant, you would be facing the same deadline as we are and somehow you would have to come up with the cost and we would be debating whether to put a band aid on it, or build a mega-plant, keeping it on the River or moving it off. It's the same issue. You've got a compliance issue.

Councilman Collier: Well the big difference being the Town was never in the wastewater treatment business to make a profit; unfortunately you guys are.

Jerry Esposito: Well part of the rate case proved what we could and couldn't make and it was a settlement and let's just say we settled.

Councilman Collier: I understand. Yes you did and I won't argue that fact with you, but my whole point still is that as I read this contract and I'm not a lawyer, it doesn't state whether it's a flow capacity or a treatable capacity and what you're indicating to me is that you've already exceeded 80% of the capacity that you're able to treat and stay in compliance, so I'm wondering how many times are you going to come back to us over the next however many years and say I need another band aid; because the standards have changed. Obviously, this is not an unusual thing that the standards change.

Jerry Esposito: All good points. We knew five years ago that the State was going to evaluate the

Broadkill River. There are 36 different watersheds in the State; they all go through this total maximum daily load process; the Broadkill's is done. We questioned DNREC last week when we met with them, about any future plans for future TMDL's; they made no reference to that, but nothing can be guaranteed. Each permit is good for five years. Standards can change. My professional opinion is that they won't, because there are more impaired rivers and streams and watersheds than the Broadkill, so until such time as this permit is reissued, we won't know.

Councilman Collier: Alright, thank you.

Councilwoman Patterson: I have a question. The old plant was built to service the Town of Milton, but how much extra waste are you bringing into the town, per day? I mean, how much is the Town of Milton and how much is from outside, because we see the trucks coming in.

Jerry Esposito: The only trucks that should be coming in now were from Holland Mills and Holland Mills is the only system outside of Town, except for one customer on that road. Holland Mills is the only community outside of Milton that's served by this plant.

Councilman Coté: How many EDU's does that represent and how many will it represent when it's fully built and do you have any other plans to try to acquire anybody else on the other side of it or between here and there, which will use up the 400-500?

Jerry Esposito: Good question. Holland Mills right now is about 60 homes, roughly. I think at build-out...

Bruce Patrick: I think it's about 160-170; something of that magnitude.

Jerry Esposito: All of our wastewater plants get inquiries all the time about future capacity.

We're going through a process literally, now, with the Sussex County Planning and Zoning about the yet to be built Zwaanendaal facility for expanded capacity. None of them have resulted in anything beyond discussions. There are no proposals. There's no contracts. There are no commitments. Any developer who would come to a plant, whether it's your plant or another plant, would by contract, by definition, pay for his/her share of the capacity. I think you learned from this rate case process, that there can be no subsidies, so if we were to try to subsidize this developer with your resources, it would be rejected from rates.

Councilman Coté: I don't know all the details of the Public Service Commission negotiations, but two things I do remember, is one, it started out as a 90% increase request and ended up at 110% and I guess you guys settled for the 20% more and you mentioned that you spent about \$2 million upgrading the plant, was that the \$2.4 million that the Town gave you when you signed the contract? Or was that somewhere else?

Jerry Esposito: No. No. Six years ago checks were exchanged. We acquired the plant. You had Impact Fees that you were putting in escrow, so we exchanged and there was a net of a couple of hundred thousand dollars, a hundred thousand dollars; but in a regulated utility model, which you can call it profit-making or whatever, whenever you make a capital investment, it comes from the company and then they try to recover it in a future rate case. That's how water, wastewater, other regulated utilities finance their capital resources. They spend the money and then retroactively try to recover it; they have to prove that it was installed usefully and then if they don't, which in the case of Milton, there were some costs that were excluded through the settlement. That's how it works.

Mayor Jones: As a follow up, I want to make sure I understand now, after what Councilman Coté asked; 450-500 new EDU's for the Town's growth. Is that exclusively for the Town of Milton's municipal jurisdiction or does that include anyone else that Tidewater might bring online?

Jerry Esposito: Well, the simple answer is it's 450 EDU's. Right now it's the Town's. There is no one else committed to. We have an obligation to serve the Town. If someone came in and said, we want to use the Town of Milton's wastewater plant and we have 450 more EDU's and we're outside of Town; they would pay for that extra 450 EDU capacity, so you would always have your capacity for the Town.

Councilman Coté: So Holland Mills will pay for the extra 90 that haven't been built yet and they've paid for the initial 60?

Jerry Esposito: They paid a impact fee, yes; that was also settled by the Public Service Commission. There's an Impact Fee and a User Fee, that was subject to regulatory approval.

Mayor Jones: Is there any long term benefit to this band aid approach or will it be 100% sunken costs in 10 years?

Bruce Patrick: As we said earlier, I guess, there is some mobility to the plant. If we were to go build a brand new plant somewhere else, it could take the form of two or three 100,000 gallons per day treatment trains. With that said, you're going to be able to recover a lot of the cost of the equipment, so to speak, which is substantial. It's \$900,000 to \$1,000,000 just for the cost of the equipment; however, what you will not be able to recover is a lot of the hook-up, the foundation that's required, a lot of the construction costs and of course, there's demolition costs associated with that, as well; so a good portion of it could be used elsewhere, so that it's not all lost; but it certainly will not all be recoverable.

Mayor Jones: Bruce, is it basically capacity, meaning the number of homes coming online that will determine Tidewater's initiative to build someplace else for treatment?

Bruce Patrick: It's economics and if there was a big infusion, it's kind of a double-edged sword; we mentioned a minute ago out of town homes coming in, it's a double-edged sword. If there was an infusion of 200 homes ASAP, immediately from out of town, 200 homes times \$8,000 is the Impact Fees, \$1.6 million, that in in of itself could almost pay, because this treatment train would pay for that. Yet it would still yield 200-250 homes with extra capacity for the Town. It's a double-edged sword. I do fully understand it, but at the same time if they're infused, in particular, in a quick fashion, they could help one another, to actually get an economy of scale.

Jerry Esposito: One other thing I want to point out to you is if the Town were to have a system that was in place, that would serve outside of the Town, I've said it already, they wouldn't be subsidizing one another. It would just by definition we just couldn't do it, so I want to be clear about that.

Bruce Patrick: I mean, I can tell you for sure, our staff would love a new plant. It's really balancing the economics of it. They would certainly prefer it. There's a lot of things at the plant that is unfortunately outdated, but this is probably the best overall economic proposal to get us, as Jerry said, it depends on the number of homes per year, but hopefully eight or ten years. The other alternative which we love, is significant.

Jerry Esposito: I want to make sure this part is clear. We would still have to upgrade this plant, even if there were no new homes added, okay? That I want you to understand. It's a compliance issue with the existing plant. If zero new customers came in, we'd still have to do an upgrade.

Mayor Jones: Are there any other questions from Council?

Councilman Coté: It isn't necessarily a question, it's just a thought that this is April and you mentioned already that you exceeded capacity a few times last summer. I'm not sure why we're having the rush to get done by roughly this time next year; now, instead of six months ago when you already knew you exceeded the limit. I don't believe that requires an answer.

Mayor Jones: We do have several people who have signed up for public participation. If you have done that, do you know specifically if some of those contain wastewater issues?

Kristy Rogers: Some of them do.

Mayor Jones: Okay, Mrs. Rogers is going to call those on the list first, but then we're going to open it up to public participation, even if you didn't sign up on the Tidewater issue. I just ask you to be respectful. If you'll use this microphone over here, so that Tidewater can remain at this microphone and answer you and please be very aware of a three minute limit. So let's see who we have here first.

Tom Draper: Thank you very much Mayor and Council and everybody. I'm a businessman here in Town and I've read Mr. Esposito's letter and the options and I think the Mayor described the perfectly; they're band aids and I just would like to make a statement that I hope this is a great time for Milton to think 20, 30, 40, 50 years out and planning that's going on and the cost of money, is as low as it's ever going to be, probably, in all our lives, plus and I think the third thing I think that I would ask the Town to consider, is these guys are professionals. They work at it every day. They're good men. They have their lawyers, their accountants and everything, and this negotiation which you're undertaking from his letter, is probably the most extremely negotiation this Town has faced in a long time. We sold the system, which I was never really for, but and you can make a profit on a sewer system and I would suggest that a lot of things be considered and maybe the Mayor and Council would appoint a committee to work with them to digest these proposals by these people and further examine other proposals. I'm one for getting off the river totally. Having just spent last weekend in San Antonio, Texas, I was at the River Walk and had dinner down there; many of you may have been there, but the river is really the life blood of Milton and it has been since 300 years ago when they built ships and a river is a beautiful thing. I walked down around tonight before I came in and lovely and we should recapture that river because even if you have a sewer system near the river, people say that's a sewerage system and the river was an extension of the sewer system. It was the source system for hundreds of years, but now we've grown beyond that and I would like to see it moved to a site and they have a site and I think that's a very essential thing we should do. I think it's our moral obligation to get that off the river and work and figure it out. You can borrow money as cheap as you're ever going to borrow it. A 40 or 50 year bond through USDA or something like that, or grants and combinations thereof. And the final thing I would like you to consider, I never liked us selling a part of our heart, when we sold that sewer. I'm not casting any dispersions, but it might have been a good idea at the time; I never did think so and I think we ought to consider investing in this new system and be a part-owner with Tidewater, because then we'd have for eternity a voice at the table and that's a very important thing and thank you for my time.

Mayor Jones: Thank you.

John Hopkins: Thank you, Mayor and Council. I'm President of the Fire Company, I also work for Mr. Draper and I too am against this sewer system staying on the river. The Fire Company, as most of you know has bought property on the river; we're being responsible with that; we have a lot of things that are moving slowly there, but we're trying to be responsible, do our due diligence, but we're cleaning that old Gibbs' chicken plant up, as well as the property across the street for additional parking, maybe a building in the future; whatever we need to serve the community, so we're trying to be responsible. I'm for moving it. We also have to work with these guys and try to figure out a way to make this happen. I have a quick question. The band

aid fix, how long would it take to do a band aid fix? I understand there's a deadline of 2015, April, May.

Bruce Patrick: It's going to take approximately a year, so it's going to be very close. As I kind of mentioned, we're walking a fine line if we're not done in twelve months, it's thirteen months; we're walking that line. Hopefully, we'll be okay, but it needs to be done as close to the timeline as possible.

John Hopkins: I certainly understand that there are reasons that we have to meet deadlines, DNREC and that sort of thing; but also maybe there's an opportunity for an extension until the Mayor and Council has time to review this and maybe put together a committee to work towards moving this thing off the river, so the Fire Company, myself, nobody cares about this but my great-grandfather had a hand in putting water and sewer in this town, Dr. Bob, year's ago; so I'm very responsible. I'm invested here. I grew up here. So thank you guys. Do the right thing.

Mayor Jones: That's what we have on the list. Now if you would still like to come forward, please do, tell us who you are and make your statement.

Kristy Rogers: The others I have are not on Tidewater's topic.

Richard Miller, Gristmill Drive: I'm curious. Is there any opportunity to use credits in exchange for this plan; much like carbon credits; can we buy credits from other towns and get to the same result?

Jerry Esposito: I'm familiar with what you're asking. It can be done. What is typically done in Delaware, at least, in larger watersheds, you can, as a discharger into a river, you can acquire what are called non-point-source credits, from within the watershed. There aren't any other; Georgetown may still have their canning factory discharging to a head waters; there aren't any other discharge permits in the Broadkill River, so it's more difficult. The kind of credits you're talking about in the Broadkill River, in my opinion, would be very difficult to manage and probably would be more expensive, than upgrading the plant. It's not an inexpensive thing to do and I'm familiar with the carbon credits and air pollution, it's a little easier, because you have...

Richard Miller: But it's not impossible?

Jerry Esposito: It's not impossible. It's not impossible.

Jeff Dailey, 211 Gristmill Drive: If ever there were a time for a public/private partnership, if at all possible, this is a prime example and though we would like to have the riverfront and no longer have that wastewater treatment plant sitting there, a two to five year agreement that would keep our rates low, perhaps; allow these people the expansion with the mobility question of moving equipment to a new plant at some point; working hand in hand; making sure that all of the i's are dotted and all of the t's are crossed, so that we're not looking at an agreement that has loopholes so many years down the road. Moral obligation to return Milton to it's riverfront and have that available to us for posterity, is all a worthy goal; but moral obligations often aren't met overnight. So I think that time and consideration and working with these people is the best way to go. Thank you.

Mayor Jones: Anyone else in the public?

Virginia Weeks, 119 Clifton Street: I remember when we sold the sewer plant to Tidewater and part of the agreement was that they promised to move it off the river and to demolish the building and at no cost to the Town. I would warn you about the use of the word "temporary" being an old Federal Government person, USAID, the United States Agency for International Development was founded as a temporary agency in 1940. It is still around. To be honest with

you, you have not been good neighbors. They have revoked their promises to us and they have cost us more money and I think we should take that land back and use it for parking or whatever else we need to get the downtown economy going. Thank you.

Mayor Jones: Anyone else would like to make a comment to Tidewater? Two things, if I may, actually three from the conversation. Is there any way in the plan that you have indicated is the fix for this compliance issue; not only the easiest, but one that will make it in time of the compliance? Do you have any idea what that may mean for a billing increase for the folks in Milton? I mean, that's always a nice thing to know; a bottom line figure; have you even played with any of that, at this point?

Jerry Esposito: Three answers. No, we have a guess, but I don't want to guess on the record.

Mayor Jones: Okay. I appreciate that. The other is that when I think Mr. Draper talked about money being available, I do know that with the Governor's new flush tax, that that is indeed something that Milton can consider. Now whether or not, maybe you need to be sitting down for this question, but whether or not Milton wants to buy the thing back. And I know that's as crazy as it gets, folks, but we have to look at every option available to us and that may be one of them and a price tag that would go along with that. The other that intrigued me was talking about a committee to review the proposal; now what I can tell everyone in the audience here and I think I can speak for every other council person up here, is this is an extreme challenge on your government to understand and appreciate and to digest these options; and then come back to the public with the best possible option for all of us. I feel limited in my ability to assess the options on this Tidewater plan and I can't help but think that it's a challenge for any elected official here to be making this decision, so I kind of perked up when Mr. Draper was talking about a review committee; but I also know we need to be very sensitive to the fact that Tidewater is in a compliance bind. We're talking about 15 months and we did promise Tidewater to push this forward to bring them to tonight's meeting, so that a decision can be made and that's why anybody else in the public that has anything to say on this comment, at this time, please come to the microphone. Sure, Mr. Draper, go ahead.

Tom Draper: I think the compliance date is important, but it's not a killer. I think the _____ Sewer District, down in Rehoboth, they got extensions for 15-20 years. Isn't that right Jay?

Unidentified Speaker: They got extensions, not quite that long.

Tom Draper: But anyway, if we're working in earnest as a community to negotiate with these folks for a better and much longer range program, I feel very, very confident that Milton, Delaware would not be cut off at the knees and would get an extension. They're politicians, they get elected, you know. But anyway, that's my comment, so don't be making a decision, because there's this deadline and if you really want to solve the problem, it's not on that river.

Mayor Jones: I agree with you. Last opportunity on the Tidewater discussion. Does anyone else have something to add this evening?

Jerry Esposito: Before we close, Mayor, may I? This was very productive. This was what I hoped for when you and I first spoke in the fall actually about coming here and it took us these many months because we did want to come to you with options that were realistic and when we were convinced that we had no alternative but to go forward. So let me try to summarize all of what we've heard. I am more than willing to work with this town, with a committee of the Town, with a committee outside of the Town, with professionals; while we try to achieve compliance you should query DNREC, who is standing by willing to come and meet with you. The question I asked them was, would you be here tonight? And they said no, but they did say

they would come here and meet with you. You should ask them that question. I'm confident that if we have a plan, moving forward; just like in other places like _____, Tom, like Rehoboth right now; when there's a compliance schedule and we're trying to achieve compliance in the meantime and we will; even if we're not done with the plant, the upgrade by May of next year, we're operating that plant as if the new permit were in effect, okay? So we're doing fairly well with it. We don't want to rely on that only, that's why we have to build, but if we can come to some agreement on a long term solution, including financing it, with a public/private partnership, I've spoken to government officials that I run around circles with and this would be a place that might be a good place to put public funds and we're not opposed to that. We're not here trying to be a bad neighbor. We want to build what we have to build; keep your rates low and go about our business.

Mayor Jones: I'd like to say, Mr. Esposito and I know in conversations that you've had with other members of Council, I gauge a utility by the service they provide. I have no complaint about Tidewater's service at my own home. I keep falling back on the past; what we all feel when the wastewater treatment plant was sold to Tidewater, but as far as service, I can't stand in front of all of you tonight and complain about service, so I just want to put that out there. We all reel from what has happened to us in the past; we collectively, as a Town through your government need to make this decision and go forward. So I'd like to take the time to get as much information as possible for Council and if we need some outside assistance in giving us a little bit of guidance or advice, I would certainly be more than happy to seek that too. Yes, Sir?

Steve Larson, 204 Dorsey Lane: Just one thing to consider on whether we do the band aid project and I happen to agree with Mr. Draper about getting it off the river, but that's neither here nor there. If we do the band aid measure for now, it's one point some million dollars, even at today's interest rates, as low as they are, that's \$1.9 million, plus the payback of that interest; plus a new plant that's going to have to be built in 4 or 5 years if Milton does continue to grow and wants to continue it's growth. So you're basically... At that point, you're looking at interest rates that will probably be at least double or triple what they are today. We're looking at interest rates today that are the lowest in history. So not only are you going to be paying for the cost of the band aid; then paying for the cost of the new plant, but you'd be paying for the cost of the new plant at those increased interest rates; so essentially forgetting the timeline restriction, time is of the essence simply because of the cost of money and we're going to see an increase eventually anyway. How long are we going to do it and how much is it going to be. I think by acting sooner, rather than later, the overall long term cost will end up being far lower to the citizens of the Town and will lead to the possibility of this Town continuing to grow and not remaining stagnant.

Mayor Jones: Thank you. Thank you for coming here tonight.

Jerry Esposito: Thank you. Should we stay? Are you having a vote tonight and should we stay for that?

Mayor Jones: I see that it is under discussion, but I can't imagine what vote, other than we just will discuss it further, Mr. Esposito. We're going to open it up to the rest of public participation.

8. Public Participation

- Ed Kost, 230 Sundance Lane: I see Cannery Village streets are on the agenda tonight. I'm not going to go through the history of how we got here. I know the Town has a punch list. I understand that some of the members of the Council did a walk-through to

look at the streets and reacquaint themselves and I understand there was a sub-committee of the Council, meeting with the developer and I see the developer's back there, so we've got all the players, all the parts, everything that needs to be analyzed, discussed, sliced and diced, I hope has been done. Now, where are we. I only have two requests. One, I'm hoping tonight at the end of this meeting, that some agreement will be reached, which includes accepting the streets are they're finished, for dedication. All the residents of Cannery Village are taxpayer's; we pay our bills and our money is not going for our benefit. I don't know where it goes exactly, but not our benefit. We actually pay twice, because we pay for snow removal and we pay you for snow removal, so I'm hoping that if there's an agreement, that's one of the parts of the agreement; that the streets are finished and it's accepted for dedication. Two, the alleyways, our lanes. We'd like to see those accepted for dedication. A number of us, myself included, it's my only means of access. I do not have any access to what would be a public street. The lanes are my access and many of my neighbor's sitting out here are right there with me and we hope that the Town will take that into consideration. It seems to me the Town has approved the plans in the past; the Town named the streets; the Town in some ways is responsible for all this and even though there's a note on the plans that says the Town will not accept lanes, that was one Council. You're a new Council. A simple vote and you can change that. In the future, if you change the laws or whatever, maybe there won't be anymore lanes and that might be a better solution in the long run. I have to admit when I moved here it never occurred to me that I was going to live in a home that wasn't going to be on a public street and I'm a landscape architect. I designed these places and it just... I was so busy enjoying the idea of moving here. To summarize, I think you have to remember two things. You have two choices really that we've come down to. One, reach an agreement with Chestnut Properties as to what's going to be done; get the proper guarantees and get everything lined up so it goes forward; if that doesn't work, your only other option is file the Complaint and let a Judge decide all this. That's really where we're down to. This is the last meeting, if I understand this. So I think you have to really look at this hard and make some good decisions and most important of all, I don't want to come here anymore. I've been coming here for a year. I'm tired. You're tired of listening to me. Let's do something. Thank you very much.

- Darlene Call, 200 Sundance Lane: I'm not going to sing, so don't worry. I want to thank you all for taking the time out of your weekend, those of you that were able to come to our neighborhood and walk around. It's my street. It's where I get my mail, it's where God forbid the ambulance is going to have to come and I just think it's kind of the right thing to do, to make my street part of the Town and so I implore you to consider that. Thank you very much.
- Steve Larson, 204 Dorsey Lane: The biggest thing I want to do is thank the Mayor and the Council. For seven years we have fought this battle and for seven years we didn't have anybody that would listen and as a resident of Cannery Village I truly appreciate the efforts that you put forth. Having said that, there's a couple of logistical things I think need to be considered. One was just brought up about the people whose homes are actually addressed to the Lanes. If you're addressed to a Lane, the Town has no problem delivering our tax bills to that address and when we write out our check, on the bottom of the check we write our address of 204 Dorsey Lane, which the Town has approved.

So I think we should expect that they will be dedicated. The other thing is, that just from a logistical point-of-view, as was brought up earlier, that's the only access and egress from some of the houses in the development. There's no other vehicular access than that way. The third point is that just from a snow plowing point-of-view and my wife's going to bring this up to, so actually I'll let her bring it up, because she's a lot smarter than I am. But I really do want to say thank you guys for all that you've done and you said you would look at it; you said you would examine it; and you said you would do the right thing and I'm trusting that you will. Thank you.

- Denise Larson, 204 Dorsey Lane (The smarter one): I too want to thank you all very much for all the work you've put in. I am going to bring up the snow removal. I brought this up once before and as one of the people who live at a house that is addressed to a Lane, who only has access from the rear of my home, which actually is odd as is the front of my home; when I enter through my garage, the front facing garage; I enter into my living room from the Lane; it's not an alley. For me, it's my street. So when we have a snow... the last few snow storms could have been a foot or more, had they just taken a wicked turn left or right, as they were coming up the coast, if you all remember; we could have had a foot of snow in Cannery Village. Now, I'm thinking back when I lived in Maryland and our little area was on the list in the town and we weren't so high on the list, so let's say the town has Cannery Village on it's list for snow removal and we're not real high on the list; that's okay, but the three areas of lanes who you want our Homeowner's Association to take care of, are high on the list. My little guy with the Bobcat to do my street, my town dedicated street; that gets the tax bill; comes by and oh, the Town hasn't done Summer Walk to get back to my street. He's not going to hover over the non-plowed main roads to get back to my street, to plow me out. He's going to say well the heck with this, I can't get back to Mrs. Larson. I'm going to go ahead to my bigger contracts. I'll get to her foot of snow, drifted, Dorsey Lane, where she gets her tax bill; sometime later tonight, maybe, or maybe tomorrow. Now, I'm a nurse at the hospital, if I get called in, I can't get out. I have a widowed mother who lives in Bethany, if she needs me, I can't get to her. I have a daughter who has epilepsy, who lives in Milford. If she has a seizure while her husband is working night shift at Baltimore Air Coil, I can't get to her. This is a safety issue for me. It's a moral issue for the Town. If we have a fire at the very end of that dead end street, that's my street that you gave me; that I pay taxes for. I'm a Town citizen. I pay a tax bill to the Town, I just paid it in April. The same tax bill that all of you pay. I deserve the same services. I have been paying that tax bill for seven years. I get my trash picked up there and when you solicit me for a vote, I get the same material that all of the other taxpaying citizens in this room get. I deserve the same services. If my husband needs an ambulance for his heart condition, when that foot of snow is blocking an entrance for an ambulance, for one of those snowstorms, I should be able to get an ambulance down Dorsey Lane, the street that my house gets a tax bill sent to. I guess my three minutes are up. I'm the smarter one.
- Nina Martin, 118 Carriage Drive: I'd like to change the subject to solar energy taxing. About a week and a half ago I brought two articles to the Town and asked that each council person receive them. I wanted to know, did you get those? Good. Now I want to know, did you read them? That was my request, before you take a vote, to please read these articles, because I think both of them have very good information in them to

support my position of thinking on the solar energy. Thank you very much.

- Judy Shandler, 202 Gristmill Drive: I wanted to put a slightly humorous spin on things that my neighbor's have already said; I'm talking about the Cannery Village Lanes and the fact that the agreement seems to be that they are not going to be dedicated to the Town of Milton at the final paving of our roads and streets. The letter I wrote to you, I'm just going to give you abbreviated parts of it, but I did start by saying thank you for your accomplishments in addressing various municipal matters and bringing ongoing improvements to the Town of Milton. That means the Town of Milton, the entire town. And in particular, as a Cannery Village owner, I am especially appreciative of your combined efforts in working to resolve so many of our issues, especially about signage and the completion of our roads. I do want to just address that last issue of the lane dedication and in my writing I mentioned an analogy and I'm asking you to recall; and this is also to be educational for members of the audience who aren't in Cannery Village and don't know our history; but if you can recall the Life Cereal commercial of many years ago where three brothers are sitting at a table and they refuse to try a new cereal and they decide instead to just slide that bowl down the table to Mikey, their younger sibling. Why, because Mikey will take it. Mikey takes everything. Well I see a similarity with the Lane issues. The people that were sitting at the table, like those older brothers, didn't like that bowl of cereal; didn't like the idea of trying to maintain Cannery Village's Lanes; they were too narrow, they were too twisty, whatever. Those three brothers, at that time were basically a Town Manager, that we no longer have, a Town Engineer, that we no longer have, and owners of Cannery Village who are not paying members of the Homeowner's Association and the decision to continue the analogy was all three of them just slid that bowl of cereal, or that Lane ownership item, down to Mikey who was the Homeowner's Association; the Cannery Village Homeowner's Association that did not even exist or have representation, so I would say the serious takeaway on that is that the decision to disallow Cannery Village's Lanes from future town maintenance, was really an administrative cop-out and it just allowed those present to slough off their responsibilities and put it on to an Homeowner's Association, that didn't even exist and didn't have a voice to object. Council Members I have lived in Cannery Village since 2007 and I've attended Council Meetings from 2007 to present and I will tell you I have witnessed an earlier council explicitly discriminate against Cannery Village in this Lane issue; more specifically on November 2, 2009; the Town Council at that time voted to maintain all the alleys in the Town of Milton, with the exception of Cannery Village. That is a discriminatory action. The discussion is recorded on over four and half pages that I took from the minutes on the Town Council's websites. The point of that discussion, at that meeting, was to find a way; the 4-1/2 pages were all dedicated to finding a way to craft language where that Council could pass ownership; taking ownership and maintenance of every single lane in Milton, with the exception, the noted exception of Cannery Village. I find it appalling. The Cape Gazette in covering that meeting stated "Council approved maintenance of the alleys, with the exception of those in Cannery Village that were determined to be too narrow for town maintenance crews to remove snow." Clearly, that argument has been discredited. Our streets have been plowed every single snow fall without complications and my last point goes back to what Denise and others have so well expressed about homes that have their addressed

ted to their lanes. I am not one of those people. You have heard from many residents expressing concerns for safety as it relates to having lanes cleared in winter storms and these are valid concerns and they make valid points; because First Responders can't pull up in front of these houses, they have to use the lanes for access. But I will say those owner's are not the only ones who have safety concerns about having our lanes left and not being maintained by the Town, or cleared by the Town in snowstorms. Sometimes safety means having clear egress. I would say, every single house in Cannery Village that has a garage on a Lane; it has to have that lane cleared and able to exit in the face of an emergency and I attached a schematic of Cannery Village's lanes and streets and I highlighted, in pink, all the streets that hopefully will be dedicated very soon. I also highlighted in pink, those lanes that belong to people who face pocket parks and do not have a street in front of them. I can't imagine the Town would not want to take them under their guidance-ship and ownership and I also, then, highlighted in yellow the remaining lanes. There are four of them and they all connect to those areas that do require town maintenance. So I am asking this Council to vote, at the appropriate time, to accept all the Lanes in Cannery Village when the roads are dedicated to add them into the dedication process and I would tell you, this will be a decision that is firmly grounded in ethics, in fairness and in logic. Thank you for your time.

- Lorraine Wasserman, 244 West Shore Drive: There are actually three things I want to say. Number one, is that on Saturday I had the privilege of going to a reunion for the colored school that probably a lot of people don't know about; that they tore down on Route 16; all the bricks and everything; to hide it, in my opinion as a white person and I would like to propose that the Town Council or people who have some kind of generosity in their heart, to start a fund for a monument for the people... if you heard the stories of the people who attended the Colored School, where by the way, the Backyard Restaurant is located now; you would cry how they were given books that the pages were missing; scribbled all over; the buses they were jammed sardine packed; they were throwing fruit and garbage at these people, great African American people; who I think if it was a white person, they would have burned the town down; they're very, very patient for what they withstood. So as a Jew, I would like to say please, please do something, write to somebody to get some funding for a monument for Route 16 and I think that would be very, very nice. Number two, I know my neighbor's at Wagamon's West Shores are no going to like me for saying this, but I'm very fortunate to live in a desirable area such as Wagamon's West Shores. As far as the solar panels are concerned, I feel they are an improvement. I am down-sizing right now, because I'm living in a five-bedroom house; just myself; my darling husband passed away as you know and I would choose a solar paneled house, as opposed to a non-solar panel, because they have more amenities and it's something that's very appealing to me. So I really feel that the Council should say no, no, no on the solar panels. Number three, about the water. I am entitled to my opinion. My father fought for this country and great-grandfather, Sir; my uncle died in Normandy. Just one other thing, I also want to say about the commercial wells, private wells, say no as in the Code. Milton enforce the Code. Thank you Madame Mayor and Council. You're doing a great job. Thank you for hearing me.
- Gwendolyn Jones, 204 Atlantic Avenue: The little show and tell I'm going to demo tonight has connections with this wastewater treatment plant; the private irrigation wells;

the green energy projects and I think the view that Milton would well take in general. This coin here, this represents our interests and concerns over the taxes and income for the town and if we hold that at arms length, we can see that, but we see everything else in perspective. It has a place. But if we hold this so close, we have so much interest and love for it, and hold it so close, then it becomes all we can see and it's taken out of perspective. My point was that I don't think Milton needs any more black eyes. I think with the Mayor and the fresh Council, I think our lives improve immeasurably since I've been here for 13 years. I think there's an opportunity to put a fresh face on Milton and advocate for being progressive. I don't think that I would like to see letters or headlines in the paper, Milton votes to tax green energy. I don't think that it would paint Milton in a good light. I get the general sense that everybody here is in support of building a wastewater treatment plant far away off the water, even though it may increase the short term costs, we're looking at long term projections. I don't think that taxing people that are putting up solar panels up, or windows where it may be appropriate, or even geothermal heat pumps, with the interest in energy conservation and appearing to be progressive; concerned about the environmental and I think that the hunger for taxing green energy projects or energy efficient projects would benefit Milton in the long run. Yes, you may get more taxation out of it... I think whether it's regarded as a home improvement is up for debate, but I really don't think that it paints Milton in the best light to want to be penalizing the people who are stepping out and trying to improve the environment and cut the energy demand. We hear on the radio about peak energy usage. We want to cut back between the hours of such and such, because our energy systems here, the generating plants, the transmission lines are all strained at this point and I don't think it would paint Milton in the best light, wanting to be known as one of those small towns that is penalizing the people who are actually willing to make an effort improving the situation, so I would implore you to not penalize the people who are trying to improve the situation and not tax people's efforts in trying to be ecological and environmentally sensitive. Thank you very much for your time.

Mayor Jones: That closes the public participation portion.

9. Old Business – Discussion and possible vote on the following items:

- a. Geothermal Loop Well Systems, Wind and Solar Energy – An ordinance to amend Chapter 194 of the Town Code, Entitled “Taxation,” relating to property taxes
Seth Thompson: Mayor and Council we've discussed this a few times. At our last meeting we discussed removing the timeframe for which any potential credit would be in place, so hopefully you have the revised draft in front of you, that contains no time period; therefore there was a revision in that I added a Section 3 to the Ordinance; that won't appear in the Code, but has the effect of applying the ordinance to the 2013-2014 fiscal year. So, obviously, if the Ordinance passes, we have a slightly different logistical handling of any sort of taxation for the current tax year, with regard to the three items that are proposed. Again, assuming Council doesn't amend the ordinance to exclude any of them; they're the geothermal well, they're the solar and they're the wind. So the other revision, as of last time there has obviously been much debate in terms of ownership, as to... and Council has received my opinion that ownership really doesn't dictate whether or not something we constitute an improvement; however, to make that abundantly clear

so that any potential future Milton residents are on notice, as far as how the ordinance would work on a leased system, you can see that it references that it's regardless of how the system was acquired, or zoned, including but not limited to leasing. So if someone were to look at the Town Code, they would understand that when they went to lease a unit, this ordinance would apply to it, even though they didn't purchase the unit and install it as the fee simple owner. So that's where we are. Again we've discussed it a few times, but I'm certainly willing to take any questions. If you want to, I could also review what we discussed as far as the other changes. It's really at Council's pleasure at this point. I suppose I should point out, again there was some discussion, not a vote, but some discussion as far as perhaps excluding a percentage of the value, so that's where you can see the emboldened X's are for a percentage are, as well as the word "partially"; if the Council were to vote to make it 100% of the value as excluded for property tax purposes, the word "partially" would need to be removed and obviously 100% would need to be amended into the draft and then passed as amended.

Councilwoman Parker-Selby: I would just like to express that having looked at the Ordinance here, I am in agreement that we have tax exemption for the people who want to go "green" and I did pay attention to the articles and I have been an educator, we have for many years been trying to instill in our youth that we have to learn to do better with making our environment better and so forth; and if people are beginning to try to do this with their homes and opportunities are arising to do such, I believe that we should not... I don't like the word "penalizing" individuals who want to do that, but I basically am in agreement to make this tax exempt for the citizens who want to do this. I guess I have a little confusion that a tax exemption starts with fiscal year 2013-2014. Has this been paid attention to prior to this year, I mean 2013? This is the first time it's come up, correct this year?

Seth Thompson: The normal context in which it would come up would be at tax appeals, so I believe this was the first year that the...

Councilwoman Parker-Selby: This is the initial looking into this.

Seth Thompson: That's correct councilwoman.

Councilwoman Parker-Selby: Okay, well I'm one who is for tax exemption for the people.

Councilwoman Patterson: I am also in agreement with 100% tax exemption; green energy is our future and we don't want to penalize anybody in the town for deciding to use that type of technology.

Councilman West: Mr. Solicitor, if you put in there exclude up to 100% of it's value from the assessment and solar/wind; therefore tax exempt instead of partially; would that solve the problem? Because I also feel that we should not tax the people on "green" energy.

Seth Thompson: And Councilman, I think we could put the word tax in there; now it does say exempt from property taxation, so it might be helpful just to remove the word "partially". It might be a little bit redundant, or I guess, be a possible source of confusion, although obviously, this is the section of your Code that's dealing with property taxes, but I wouldn't want somebody to think that for some reason the word "tax" in there twice, meant property tax exempt and also exempt from whatever else...

Councilman West: Okay. Just take out the word "partially"?

Seth Thompson: That's correct Councilman. That would be my suggestion. And just to be clear on the procedure, again, because of our passed the normal tax period of appeal, that was the reason that Section 3 of the Ordinance, defines a different timeframe for the 2013-2014 fiscal year. As far as going forward, it would just fall within the normal parameters of a property tax. Now obviously, the assessor shouldn't include it in his initial assessment, but if somebody were to notice that that was done by accident, they would file their normal appeal of their property taxes for 2014-2015, going forward.

Councilman Coté: So this for the fiscal year 2013-2014, it would amend all of the tax bills that have a solar inclusion on them? Not just the appeals, but all of them.

Seth Thompson: That's correct. This would open the door for that 90 day window that anybody that had that issue, could then ask the Court to apply this Ordinance to their bill and lower their tax bill. Just to be clear, I know that obviously solar has been the impetus for the discussion, but that would apply to the geothermal, in the event that that for some reason was included on a tax increase; and similarly with wind energy.

Councilman Coté: Would individual taxpayer's have to come forward and ask for the reduction, or would we, if that's the Ordinance, effective back to October 1st, would we just have to amend all the tax bills?

Seth Thompson: If the Town is able to do that and I suppose they can by looking at the building permits, if that's what lead to the increase, the way I drafted this though, I put the onus on the property owner so that they would know that they have this new window that's been opened up, that they can come forward, just in the event that perhaps they had put it on a long time ago and it wasn't recently and therefore a building permit might not be easily located.

Councilman Coté: I know there are some that have been around for awhile. So as this stands, individual taxpayer's with solar, would have to come forward to request a reduction.

Seth Thompson: Unless, of course, they have a pending tax appeal; obviously there are a few that are still opened. Just for the public's benefit, the other sections of the Ordinance make the Town Code compliant with the Town Charter, in terms the Town's Assessor ability to either assess the Town on his basis, or adopt Sussex County. Obviously, the Town's chosen to use it's own assessments. The other item, Section 2 of the Ordinance, makes it clear that the Town Assessor is paid for his contracted sum, as opposed to the dollar per year that's written.

Mayor Jones: As a side note to this document you're looking at tonight in your packages, April 7th, I believe; you would find and I also believe it was the Municipality of Fenwick Island who actually has an ordinance that covers how they are installed, parameters, renewable energy systems. I would recommend that the Council double-back, no matter what the decision is here and look at that, because right now we have nothing. It talks about how those are installed and where they're installed, so just a consideration.

Councilwoman Patterson: I agree. I think that we need to put it down in the books.

Councilman Collier: Interestingly enough, Fenwick Island does track solar panels. It's at a very low rate, but they do and as far as taxation of solar energy or renewable energy, we've spent a considerable amount of time on a website called the Database of State Incentives for Renewables and Efficiencies and there are 35 states in this country that actually have laws on the book that pertain to this and interestingly enough, some of

them give 100% exemptions; some of them give less than 100% exemptions; some of them put it entirely in the hands of the local governments and municipalities as to how in these states they choose to do this. So, we've heard a lot of talk about how nobody else does this; well I'm here to tell you, that's not so, because it's done in our own state and our state is one of those that has no law on the books regarding the taxation of solar energy; none whatsoever. The only laws have to do with whether somebody could stand in the way of you deciding to place it on your property if you choose to do so. Personally, this decision will be at the majority of the Council. I myself, I'm not interested in doing 100% exemption at this day and time, because I view it as an asset to a home. Everybody that sells this stuff, if you spend enough time looking at websites and at sales pitches, everybody says it's an asset to your home, an improvement, and will increase your property value for resale purposes and I understand leased systems it doesn't distinguish whether it's a leased system or an owned system, but nonetheless it says that. Now I don't believe that we should tax this at 100% of the value. I think that that's probably a little over the top. Again, but I think that at some point in time the Town has to take a good, long, look at it. I agree with the Mayor and the fact that we have nothing in place that governs the placement of it; we haven't had anybody come forward with wind energy, but then there comes into some factors with that, that we need to take a good look at; like the noise that it generates and everything else, because I don't want to sit and listen to 100 people in here some night going on about how noisy their neighbor's wind turbine is. If we don't put something in place that deals with it now, we haven't got anything; so at this point in time and this is just discussion. I've heard no motion on the table, as to what we're going to do here and I don't believe I want to make the motion at this point in time.

Mayor Jones: I have to say that there is a part of me that very much agrees with what Councilman Collier has presented here tonight and I'll give you a different perspective, if Gwendolyn Jones is still here; giving a picture of a coin and the money being first and foremost, but I do want the public to understand that through tax assessments alone, this year and reduction, what was the revenue amount?

Councilman Collier: Through blunders, and I'll call them blunders by our assessor, the town over the last two years has given up \$1 million in tax base and we'll recover that and I'm not looking for solar energy to replace it; or people with solar panels on their homes to replace that either; but it's going to come from somewhere and it's going to come sometime and all of you are going to holler when it does. But this is the stuff that we face as Council people up here, because I heard tonight, I pay taxes. What about my street? Well, you know every tax dollar you pay, over half of it goes to police protection. How often do you see a policeman down your lane? And I have yet to hear any complain about that, but over half of every tax dollar you pay, goes right there. Your street dollars are a very, very, very small portion of our entire budget. I agree you deserve snow removal and everything else. I get it on my street and I pay taxes just like you do. But these are the things that I have to consider from where I sit and this is why I went to the trouble to look through all this stuff, because I wanted a sense of what the rest... not just what the sales person told them, or what's in two articles that were cherry-picked for us to read. I want to know what the world's doing on this thing and I have to tell you I find that the decisions are all over the place, so it's at the discretion of this

Council as to what they do.

Mayor Jones: And although I do not live in any of the homes that have invested in solar systems or “green” energy, I think that besides our environmental conscience, which brings us there, there's also a cost factor that has to be figured in when you are receiving breaks; maybe not the tax breaks, but you are receiving reduced energy values. It is paying off for you there to further reduce taxes by 100%, then take that revenue away from the Town, which right now your tax dollars are what moves this Town and what provides you services. Each time we reduce that tax base, we have to squeeze a little harder to make sure those services are still provided, with less money. So, for me, as a long term view of watching out for Milton and making sure it has the money it needs to operate, to service it's citizens, right now I'm interested to see what motion comes on the table; but I would, myself, tend to follow something like what Fenwick Island has presented, which is at least 50% tax rate on “green” energy. That's my reason. It has nothing else to do with nothing else except money to provide services to the residents in Milton. So I think we've heard from almost everybody. Councilman Côté, did you have anything that you wanted to add?

Councilman Côté: I guess I would say that in general I would be in favor of exempting “green” energy, but somehow you're right. We need to pay for the town services and basically how we do it is through property taxes, so I'm a little torn on the options and I was trying to take a quick guess at the impact and if there were... and I don't know how many homes in town have solar or any other thing that would be exempt, but chances are that the taxes, if it's a \$20,000 cost item, whether you leased it and it cost the company \$20,000 to put up, or whether you bought it for \$20,000; that's about \$50?

Mayor Jones: \$40-\$60, I think.

Councilman Côté: So if there were 30 homes, at \$50, that's \$1,500 that we'd have to get from somewhere else, or \$1,500 of some service to cut; because we don't have... Well, when we did this last budget, we basically allowed virtually nothing for street repairs; sorry John and as a Town going forward, we cannot continue to do that, for those people who drive on funny streets already. We know that we can't keep doing that. But, it does sound very idealistic to say we're not going to tax “green” energy. I'm not sure the total impact and I don't think that difference of \$50, or \$75 a house, per year, is going to make a lot of people run out and put solar panels on their roof, or put a wind turbine in their backyard; especially not where I live. Solar, maybe; but no wind turbines. I'm not too interested in a half tax 50%; let's just say we need that extra \$1,500-\$2,000 or we're going to be more ecologically minded and not do it at all.

Councilman Collier: Is that a motion?

Councilman Côté: Well it has an or in it, so I don't think you can make it as a motion with an or in it. My first thought is to basically exempt the “green” energy from property taxes.

Councilwoman Parker-Selby: I'm going to go on, so we can move on here. I make a motion that we exempt “green” energy...

Seth Thompson: And councilwoman if I may. It might be easiest and certainly I don't want to put words in your mouth, but I think the motion is probably clearest if you would make a motion to approve ordinance, amending it by including the 100% figure...

Councilwoman Parker-Selby: And take the word “partially” out?

Seth Thompson: That's correct. Do you make that motion?

Councilwoman Parker-Selby: Yes. I make the motion that we first of all take the word "partially" from the Ordinance and the remainder stays in Seth?

Seth Thompson: And then you're going to add in the 100% figure, where the percentage needs to be...

Councilwoman Parker-Selby: And the 100% exemption be accepted.

Councilman West: I second that motion.

Mayor Jones: Any further discussion? Let's take a roll call vote:

Councilman West	Yes I approve this.
Councilwoman Patterson	Yes.
Councilman Coté	Yes
Councilwoman Parker-Selby	Yes
Councilman Collier	No, for reasons stated in discussion.
Mayor Jones	No, for reasons stated in discussion.

Mayor Jones: Motion passes. Now, I want to make sure, Mrs. Rogers, you will take care of this with the folks who have those appeals still holding?

Kristy Rogers: Yes.

Seth Thompson: And for those that perhaps don't have an appeal again, tonight starts your 90 days period to file with the Town Hall in order to have that adjustment go into effect for this current tax year.

Councilman Coté: Should that be put on the website for those who weren't at the meeting?

Seth Thompson: I suppose they should just refer to the Ordinance. It will be numbered, now that it passed and if the Town Clerk could put it up on the website; it's Section 3 of the Ordinance.

b. Property Tax Appeals

Mayor Jones: Let's wait just one moment for Councilman Collier to come back in the room. Okay, we'll get started again. Mrs. Rogers, Property Tax Appeals.

Kristy Rogers: For Item 9.b., there's only one tax appeal left since the Ordinance for solar panels was decided upon. This relates to the property of 608 Union Street. Mr. Hickey was not able to attend this evening, but did leave me notes to discuss. He left the scale of how he determined property value in town; not in a sub-division; for being up to .2 acres was valued at \$80,000; from .2 acres to .69 acres was valued at \$90,000; from .69 and above was valued at \$100,000. The property at 608 Union, the acreage is .156; that's his justification for the \$80,000. The appeal is for the land value due to the dimensions.

Councilman Collier: I took time to read all this information provided by Mr. Hickey, and I have to tell you that I was already aware of this information, prior to it being provided for us, having been through similar conversations when the town was first reassessed and I believe that to grant this appeal at this time is opening the door for far more and I would make a motion that we deny the appeal, based on the fact that it deviates from the assessor's formulas that he's put in place and currently everybody in

this town and everybody that comes to this town is valued by.

Mayor Jones: Mrs. Rogers could you bring Council a little bit up-to-date here. I know that Dr. Coffaro was to meet with Mr. Hickey at the last meeting. Mr. Hickey had reduced the value of the property, I believe at that time by \$10,000? Land.

Kristy Rogers: Right and he said he did not agree with decreasing, but if we had to it would be \$70,000. He would not suggest lowering it any less than that.

Mayor Jones: That is what he came back in with when he determined it the first time. I want to make sure. So the meeting took place with Mr. Hickey, ever?

Kristy Rogers: I only think that Dr. Coffaro and Dave Hickey met briefly, after the meeting and maybe had a small telephone conversation.

Mayor Jones: Okay, so that's where we are up-to-date. Alright, thank you.

Seth Thompson: Councilman, was that a motion? I'm sorry.

Councilman Collier: Yes it was, but it might have been a little premature. I'll withdraw it until everybody's happy to discuss this.

Seth Thompson: Thank you. Dr. Coffaro, I think the Council would like to hear your update, in terms of where it stands on your appeal.

Dr. Michela Coffaro: I was very happy that it was suggested that I talk to Mr. Hickey and having experience in real estate for I thought it was 35, but it's really 45 years; don't start counting; so I was happy about this. I got no phone call. I had given him my number and due to my own fault, I did not ask him for his number; little did I know that I wasn't to have it; so he did not call. I went back to Kristy. Kristy said she would handle it. He finally called a few days before this last Tuesday, that he wanted to talk and I said, I want to end this. I don't want to go on with this. I'll make you an Italian offer, take another \$10,000 off and we're done; because I had even gone further with comparisons, etc. He says I can't do that and I said well why; I said if you take... He said well then I have to raise the assessment on your house; which made no sense that he had to come to this \$200,000 and so he didn't make any sense and I said well could you think about it; otherwise we'll meet on Tuesday. That's how we left the phone call. So, I figured he accepted it; no phone call; Tuesday comes, I'm sitting at home, because I had left my schedule opened and supposedly he said to Kristy, that it wasn't; I could not schedule it in; which is well... it's not true. Literally not true. So first of all he made those phone calls and somebody else answered and he couldn't get a hold of me and I had to go back, which is... this is becoming the modus operandi, that I have to go back and back. So finally I got this information from Kristy. Here it is and it's fascinating that it's from the Town of Milton, no signature and it doesn't say which firm is representing the Town of Milton; no signature; well ordinarily the professionals that write something like this, ordinarily put down their company, their address, their phone number, nothing. So I find that very strange, then all of a sudden it occurred that we would have these comparable properties and everything under this .20 was \$80,000 and everything over is then \$90,000; by magic. None of this had been brought up before. Isn't that strange? So, I'm not quite understanding the whole process and then there was a big deal about there's a difference between assessment and appraisal and a big deal was made out of that, which I understand perfectly well. So then there's all of this writing that talks about 2008, 2009, well what happened to 2010, 2011, 2012, 2013; no houses sold or no reappraisal, nothing happened then? So, I thought oh goodie, when I saw this, I thought, isn't this

great, because all of these assessments were lower than mine and I thought good, that's the comparison and the highest was \$181,000. Mine's \$200,000. So I said no problem. So I was talking to Kristy and then she goes oh, you've got a garage, not like that one. We looked at another one, oh, this is that and it goes on like this. This is the slipperiest meeting I have ever been at. So therefore, if I were you, if I were on the Council, at this point here's what I would say. Dr. Coffaro you've been through it. We're sorry that that happened. We'll give you your \$10,000 because it states clearly that I have a smaller frontage and we understand that that was the suggestion and he would not fight it, with his slippery kind of logic and I really want to give you an extra \$10,000; I want to give you an extra \$40,000, because that's really what you deserve. However, this in the town's interest would be best; that it's only \$10,000 and I had thought I made an Italian offer and now I think that you're going to make me an Italian offer, so therefore if I were Council, that's what I would do, so that it would be relating to what Councilman Collier is saying, that there's no precedence, because it has to do with it being a frontage that is smaller than anybody else's. So.

Councilman Collier: It has nothing to do with frontage. It has to do with lot volume.

Dr. Michela Coffaro: Well then if it's lot volume, then it should be \$40,000, but we're not going to go there because the rules also say that there is no comparison with any development. I have pictures of some of the developments and if you want to make an extra buck or two, for our town, go to Shipbuilder's Village, they have huge lots; double the size of mine, minimum, and you could raise the appraisal right there and make more tax money. So that is all I have to say. It's been quite a process. Thank you.

Seth Thompson: Just a note for the record, there's an undated memorandum on Town of Milton letterhead referencing 608 Union Street, 312 Chestnut Street, 104 Mill Street, 503 Mulberry Street and it looks like there's a printout on each, providing the specifications of those properties, as well as their assessed values.

Councilman Collier: Is this the time when I can reinstate my original motion.

Seth Thompson: You can councilman.

Councilman Collier: Do I have to...

Councilwoman Parker-Selby: Well first I have a question.

Councilman Collier: Why don't you wait until we have a second and then if we get one, then we'll discuss the matter.

Councilwoman Parker-Selby: I'm sorry.

Councilman Collier: So anyhow, I'd like to reinstate my motion that we deny the appeal based on the information provided with the specific formula for assessments within the Town of Milton.

Councilman West: I'll second that.

Mayor Jones: Discussion?

Councilwoman Parker-Selby: I'm looking at this. Was this Mr. Hickey's document? Well, this is the town's document, or...

Kristy Rogers: Mr. Hickey came in, maybe two weeks ago tomorrow, and left me his handwritten notes of the scale...

Councilwoman Parker-Selby: So this is basically from him?

Kristy Rogers: And I just simply typed that up to meet with Dr. Coffaro last Tuesday.

Councilwoman Parker-Selby: Okay, because I was wondering, like Seth had said it was

undated and no name. Okay, that clears me up on where it came from. There was no formal meeting, really a formal meeting, as I'm understanding the conversation, as we had indicated in the meeting at the Fire Hall?

Kristy Rogers: Not between Mr. Hickey and Dr. Coffaro.

Councilwoman Parker-Selby: Which was a suggestion. Okay, thank you. I'm ready for the question.

Mayor Jones: Is there any further discussion? Okay, we have a motion on the table to deny. All those in favor say aye. Opposed.

Councilwoman Parker-Selby: Opposed.

Mayor Jones: Motion carried.

- c. Cannery Village punch list, development standards, and subdivision approvals

Seth Thompson: Mayor and Council, I think two of the members of Chestnut Properties are here. Obviously this was an agenda item on our last meeting agenda. We've had further discussion, so we wanted to bring everyone up to speed and Council's obviously free to take whatever action it deems appropriate, but I think Mr. Thompson and Mr. Reed are here, if they want to come up, I think that would be helpful.

Blake Thompson, Chestnut Properties/Cannery Village: Mayor and Council, this is sort of a follow-up visit from the week before last and then in the interim we met with the Mayor and Solicitor and Councilman Collier and Vice Mayor Booros and some members of the Town Hall there. Basically, at the last meeting we sort of reviewed some of the punch list items that we were talking about and some of the discrepancies or what we felt were things that we would prefer to not do now; maybe do later and then we talked about some of the performance guarantees and we talked about a bunch of different things, but at the end of that meeting, the Solicitor sent out a list of sort of notes from the meeting and it came down to like nine items and then today I answered that and sent it back to him and basically, since the last meeting we've sort of changed one of the main things that we've changed. We would like to just go ahead now, put all the curbs in the entire project and pave all the roads. Do all the final paving and hopefully have them dedicated to the Town. So there would be no doing part now and part later; we would do it all now and be done with it. As far as the punch list, we basically have told the Town Solicitor that we would accept the punch list the way it is now and we would do it in a timely fashion, get it done; the only comment we had and it was one that we mentioned at the meeting and it was one that he referenced in his letter back to us, was some of the "nit picky" kind of items that we saw, the dimples on the side of curbs and things of that nature, that I hadn't been aware of until I went out and looked at some of the things and I thought that maybe the engineer, back last summer maybe was a little overzealous, on just some of the items. In other words, when there's a big hole in the side of the curb, it obviously needs to be replaced; but when there's a dimple the size of a quarter on the side of a curb; it might not be so bad, particularly when you get all the new paving in, you may not even notice it. So that was really the main gist of what we were talking about and of course we talked about the sidewalks on the lots that have either not been sold or built on and those lots, we still prefer not to put the sidewalks in; we've asked that they not be put in now, but they would be put in at the time the lots are sold and the homes are built and basically, we all are of the same

understanding, if we were not to do that, then the home that we most likely will build, will not get an Occupancy Permit and we would be stuck there with a house that we couldn't get a Certificate of Occupancy for our perspective buyers. So the Town, in effect, does have a performance bond, if you will, or guarantee on that sidewalk being put in. However, if someone says well what happens if it goes 10 years or something like that? We're not opposed to being, we're not unreasonable, we want to put this whole thing behind us; we've been actually working on this for almost a year now; wanting to get the streets paved and though I think it took us this long to get to the point where we just decided let's just do it all and be done with it, which I know would make everyone happy. Anyway, we're not opposed to, if you figured out what the sidewalks cost some of those roads and you came up with a number, maybe our contractor could give us a number and we could go say okay; just for example say it's \$300,000 and we give you \$300,000 worth of lots that you could put a lien against; therefore you would have some kind of guarantee or performance, if you will. We want to get it done and we want everyone to know that we're not trying to shirk our responsibilities, so that's something that we threw out some ideas, the Town Solicitor and I went over some ideas on that and basically, another item was... well there were actually three other items. One is the sidewalk back by the... we call it the Dogfish Pond; there was a sidewalk that went from along the Dogfish Pond, along a road that was sold to Dogfish, so that road is never going to be there and it's actually going to be closed off; it's the road right up by the parking lot. So we don't want to put that sidewalk in, we asked that that sidewalk be removed from our scope of work, because it would really be a sidewalk to nowhere. That was one item that we've talked about and then the other two items were the... and this, of course, was a situation that the plan was approved by the Town Engineers many years ago. I'm talking about the round-about if you will; it's not actually round, but back where the gazebo is and the mailboxes and it just doesn't work when you have big trucks and if you walk back there, you'll notice there are some really damaged curbs there and that's as a result of the fact that it doesn't work. So we went out there and we came up with a solution on how we could fix it, however, the person that has the little garden there is not going to be happy with the solution. We will move the garden. We will relocate the garden; but we would remove four sections of curb, is what we've talked about doing and we would widen that whole lane there, so that in effect a car could park by the mailboxes, a person could get out, get their mail and another car could still go by. It works perfect. It doesn't have any affect on the... we don't need to make any modification to the area where the gazebo is housed. It's all in that area in front; those four, if you will, curb sections in front of the mailbox assembly and it doesn't have any affect on the pad in front of the mailbox assembly; that doesn't change at all. So we came up with a good solution. I think talking with the Town Solicitor we may need to go to Planning and Zoning to ask for their blessing on that and then there's also the issue back where the sidewalk to nowhere was; there's also an issue there where that lane back there, it was designed for it to go on down back towards Dogfish. That would be modified. There's a little round-about that would be taken out, because it doesn't work. It would be taken out and then there would be some modification made there, that we would also get Planning and Zoning's blessing on and aside from that, let's see if there was anything else here that we wanted to bring up. Of course, we also talked about the

lanes, but I think that's all been pretty well covered tonight. So I think that we would like to see the lanes dedicated to the Town and we think it's for all the reasons that everyone has mentioned, for health and safety in particular. It makes perfect sense and the fact that you are in fact, being taxed for the services, that you wouldn't be able to get if it's otherwise, so I think all those reasons make a lot of sense. I think, last, but not least, there was an issue, I might as well bring it up. There was a couple of issues; one was about the gazebo itself. There is a pipe that goes underneath the gazebo and at one point someone, the engineer, the original engineer, thought there was a manhole buried underneath the gazebo and that if there was ever a problem, that after we were long gone that the gazebo might have moved or removed or destroyed or something and so basically we found that there is a pipe that goes underneath it, but you can get to it from either side, so if there was ever a problem, you should be able to get to it to clean it out, but we are being asked if 50 years or 100 years from now, the gazebo, for whatever reason they had to get under there and the gazebo got destroyed, the Town isn't going to put it back, so we are going to agree to that. But we won't be here, you guys won't be here either. Then the only other thing that came up was that up in the first section where NV and Ryan built a number of homes, there was, unbeknown to the Town or us, for that matter, there were a number of homes sort of in a row that didn't have the right... Seth Thompson: I think the angle blending the sidewalk into the driveway, although that might have been an issue in terms of a change under ADA, that they might have been compliant at that point in time, but obviously that was built a long time ago; that was your first section.

Blake Thompson: So this was brought up in the original punch list and we went back and talked to Ryan and NV and even though we have... although I don't, but Joe has somewhat of a relationship with them on a couple of other projects and we went back and anyway, they didn't have any feelings that it was their responsibility after so much time has passed by and the fact that they got their Certificates of Occupancy and they did everything that they thought by the book, so anyway we ask that we have relief on those four or five homes; and I think that was one of the issues that came up and that's pretty much it. In other words, if we do the punch list, as it is now and if we do the final paving of the streets, we would expect the Town, if it's done satisfactorily, to their satisfaction, then we would expect them to accept dedication of the entire project from us. That's it in a nutshell. I don't know if you guys have any questions.

Seth Thompson: I'll chime in from the Solicitor's perspective. I think the largest issue, number one, they intend to curb and pave everything, which is obviously going to be a huge benefit to the resident's there and that seems to be a large portion of what needs to be done. The issue under your current Code is that sidewalks need to be completed, in addition to the road, before the Town would accept dedication of the streets; so now your Code does allow for the Council to accept dedication of improvements in the streets and not require completion of the sidewalks, if there's good cause shown, so certainly Mr. Thompson or Mr. Reed chime in, if I misstate anything, but it sounds like the applicant's want to have the roads dedicated; wants to have those done, but are looking for relief from the Council in terms of needing to install all the sidewalks on lots that currently do not have homes. In other words, the sidewalks would be installed at the time that the home is installed and they're the builders, obviously, as well as the

developer's, but seemingly the rationale is the sidewalks get damaged as the home is constructed and then the Town ends up taking over a sidewalk that might have some additional wear and tear. Now again, this would be a deviation from the normal rule for the Town, just based on when it receives dedication, but they're certainly correct that a Certificate of Occupancy shouldn't be issued to a property, if the house is built and the sidewalk isn't installed; so I think their first position is there already are safeguards in place that a sidewalk is going to be installed at some point; but as I understand their fallback position, they're willing to, as an alternative to a more traditional bond or Letter of Credit or performance guarantee, willing to provide a first lien on lots within the property to cover the cost of building those sidewalks; that in the event that isn't done within a certain period of time, the Town will have a lien for the value of that and seemingly can then go against that property, in terms of getting it's cost of installing those sidewalks. I did have a discussion with Mr. Thompson earlier today. The thinking was that A. P. Croll would provide a cost estimate for those sidewalks, that the Town would be able to review and the other element to it would be the Town wouldn't unreasonably withhold any transfer of the lien. In other words, if a particular property was being built and that was one of the properties that had the lien against it, if they offered up another lot worth the same thing, that the Town would release the lien on the property that's been built and would receive a lien on a different property.

Blake Thompson: I think we also had an ending date, which was five years.

Seth Thompson: That's right and that's the other proposal to this, so rather than... that would be the benefit to obviously their fallback position; that there would be an end date as far as when those sidewalks go in, since obviously it is a connectivity issue.

Joe Reed, member of Chestnut Properties: We did offer at our Homeowner's Association meeting, maybe about a month ago, one concern that was raised when we discussed this issue, which was a good point, some of the homeowner's mentioned like walking to the club house, along Village Center Boulevard, there are still some vacant lots along that; what we were going to commit to, we were going to at least make sure that all the sidewalks along Village Center Boulevard were installed, even on those vacant lots, but some of the spot lots throughout the community we were not and again the rationale is that type of a lot, the sidewalk just gets destroyed when the house is built and the concrete trucks are delivering all that anyhow and I think as far as a good role, those are what 3' wide sidewalks, typically, like a 50' lot we've got I think 45 lots left roughly, of which probably 35 of them are duplex lots, which aren't as wide, but so 150 square feet, you're talking about \$600; even to round it up say \$1,000 a lot; that's the value that we're talking about. One lot would give the Town sufficient collateral. If we were to go in and install all those sidewalks, it's probably in that range of around \$1,000 a lot; but it's just throwing money away because it's going to get torn out when the house is built and they're going to have to put in a new sidewalk. It's going to get all busted up. One other thing I wanted to add on that punch list just those quarter size dimples you were talking about. That kind of stuff is just is cosmetic. Anything structural is being fixed, and for those, I don't have the punch list with me, but this punch list was developed by a couple of different engineering firms and I think is 400 items. How many items are on it? 400 or something? So it's a pretty extensive list, but we're just talking about some of the cosmetic items that typically and we've gone through this in other municipalities and in

the county and they typically a little dimple in a curb, if it's just a cosmetic item, you're not tearing out curbing and replacing for those kind of things.

Seth Thompson: And while we're on that point, I think one thing and I don't mean to speak for all of Council, but I think it would certainly be helpful from my perspective to see a responsive list in terms of what items you believe to be cosmetic and you would like relief from those items on the punch list.

Blake Thompson: We actually paid Pennoni Associates \$10,000 to the new Town Engineers, to go back and review the original punch list and anyway. Basically, they took a picture of every one of these items, so it's well documented; we have a picture of every one and I think the Town has a picture of every one, so we could compare pictures and have it well documented, I think.

Seth Thompson: That's one of the larger items that the Council could deal with if it feels it's informed enough tonight. As far as finding cause for them not to complete the sidewalks in front of vacant lots, other than the ones along Village Center Boulevard, that they referenced tonight prior to dedicating the streets to the Town, with the caveat that they provide the lien that would cover the cost of those sidewalks; so that's one item, procedurally, that you could handle tonight. Some of the items Blake is absolutely correct, I think one of the other larger items that's been discussed thus far is the lanes and the alleys. That is a note on an approved and recorded sub-division plat, so the process for dealing with that, it sounds like Chestnut Properties is willing to do it, but there needs to be an application to revise the sub-division, which would go to Planning and Zoning for it's review and then up to Council. So that would be the appropriate procedure for handling that particular issue. The reason for that is obviously, currently, of record, when you go to the Recorder of Deeds you can pull a sub-division plat that says that lanes and alleys are intended for public use, but not to be dedicated to the Town, so if ultimately the Council finds it appropriate to change that note, we need to do it formally and officially and record a different sub-division plat. Thus far, those are probably the three big items: the roads, the sidewalks, the alleys and lanes. I can certainly address the other items, unless you want...

Councilman Coté: Well, I just had a question as a point of specific information. On this notation about the and I'm going to refer to them as lanes or I think in the definitions that are in the sub-division ordinance now; they're not alleys.

Seth Thompson: Right and part of the confusion is that this was developed under the old sub-division ordinance, so I'm looking at the note on the approved sub-division and it says lanes/alleys and then, as a parenthetical it says (right of way 25' wide); so that's how they described them back then; but that's what we're referring to.

Councilman Coté: Well I don't if the definitions changed from the old sub-division ordinance to this one, but the definition of alley, does not describe... I'm asking the question because the current definition of an alley, which refers to an interior street, does not meet the actual real life situation out there.

Seth Thompson: Not to add another layer of complication to it, but obviously there were street design standards that were able to be amended through the LPD Process, but I did bring your old sub-division ordinance, so I can look at the definitions. It says "alleys, driveways or isles or minor ways are used primarily for vehicular service access to the back or side of properties, otherwise abutting a street".

Councilman Coté: Right, well a number of those sections, do not abut a street, just as a point of information.

Councilman Collier: As a street by name, you're saying?

Councilman Coté: No, it doesn't abut anything... It abuts no other roadway, other than that section we're talking about; whatever we call it. Under the current definition, it seems to be a minor collector street.

Councilman Collier: Well, Dorsey Lane, as an example and I'm looking... when I think of the word abuts a street, it connects to Carlton on one end and something else on the other end, so that in my...

Councilman Coté: 204?

Unidentified Speaker: That's part of Dorsey, the other part of Dorsey is not.

Councilman Coté: See there's a part of Dorsey that has no streets abutting any of those. The houses do not abut any other street. It happens with Dorsey, with Brick, with Sundance.

Seth Thompson: I don't know if we need to get too wrapped up in... but I think in terms of procedure, the note would need to be removed, if that's ultimately Council's decision, to have the alleys as we've been discussing them dedicated to the Town. So again, those are kind of the big issues. I can certainly delve into the smaller issues from my perspective, as well as the procedure, but in terms of proper process, filing a revised sub-division plat is going to be necessary and it should go to Planning and Zoning. Fortunately it shouldn't be too complicated obviously; again, it's just removing a note that's on the approved plat.

Mayor Jones: I would like to also call upon Mr. Wingo at some point here to give opinion. We did take a walk. It was rather interesting. I noted a few things that in our meetings, you're not able to conceptualize some of the issues. I'm glad to hear about the sidewalks on Village Center Boulevard. That was one of the things I noted standing there was the giant block of land that really gave no access on that side of the roadway down to the clubhouse and I'm going to guess that's pretty heavy traffic. The other, for me and for the folks who traveled along make sure I stay oriented as to where we took the tour. Dorsey Lane, the very large section of Dorsey Lane that runs between Sundance and Carlton Drive. I was told when we started in on that side, that that was actually one of the roadways that had received its topcoat.

Blake Thompson: Oh, you're talking about the one where it floods?

Mayor Jones: The water, but you know more than even the flood, because all that was left when we were there, were just water marks; obviously water.

Blake Thompson: That's going to be all ripped out and be redone. That's on the punch list. That is a mistake that A. P. Croll made.

Mayor Jones: Well the issue for me and that alley and some of the others we looked down though, Mr. Wingo did assure me they were due for paving; is that particular stretch of Dorsey Lane, has what looks like a fairly good coat on it, but the driveways that meet it are very rough and they are not flush with it. I can just see down the road, Milton's snow plows ripping up people's driveways because it's easy to catch those and then we would be responsible. If that wasn't something on your final punch list, it was something I was certainly ready to ask for this evening, because that's going to create, I believe, problems down the road for the maintenance. Now that was Dorsey right? The

large block of Dorsey? I thought you had said that that had gotten it's top coat? So it's not on our punch list to be done again right now?

Greg Wingo: As far as I know, there are some drainage issues on that road and I believe that's the only thing that's on the punch list. It's not that whole section of that alley.

Blake Thompson: But it would naturally be tied back into those driveways in a nice way, because it's going to be all be ripped out. The water, for some reason, the storm sewer drain cover failed, if you noticed that. All that needs to be redone. So it was a major flub up and it's been like that for a number of years and it's behind Roger Thompson and Meg's house.

Mayor Jones: So I just want to turn again to Mr. Wingo. Once you get a road down like that and a driveway then is put, or that apron of that, it's actually just the apron of that garage; will it then be the Town's responsibility to make sure that that is put in so that it meets that roadway and we don't have this issue in the future? That's going to be something that we keep an eye on. Correct?

Blake Thompson: In other words, we put in the roadway; we put in the top coat of the lane, but the company that built the houses, they did that driveway.

Mayor Jones: I understand.

Blake Thompson: So the driveway is of a different thickness, if you will, than the roadway. In fact, the roadway is the same thickness as the streets. I think we've been through that before.

Mayor Jones: The alleyways.

Blake Thompson: If anything, quality-wise, the lanes are just as significantly built as the main streets are.

Mayor Jones: Well my concern again was that there was more issue on that particular section of lane, than just the ponding issue, so I think if you do top coat that, that's going to tie the rest of those driveways in and it would be fine.

Blake Thompson: Yes, they will be tied in properly in that section; in that section that is taken out and put back, when it's put back, those driveways will be tied in seamlessly.

Mayor Jones: Mr. Thompson, a guess on how far out you are on some of this paving.

Blake Thompson: I'll tell you, we're ready to roll on the concrete repair work. In fact, A. P. Croll, it's amazing, it's like feast or famine; it's like all of a sudden everybody's getting busy again and so he's ready to roll, so that's what we need to do. We need to get him, all of the concrete work, all the curb and those couple of changes that I guess we're going to need to go to Planning and Zoning with; we need to get all that made and then have everything ready and then do the paving.

Mayor Jones: Way out of the box here, but if the folks...

Blake Thompson: Is it going to be done by Memorial Day?

Mayor Jones: When I say out of the box, because it's a request, that little stub of Dorsey Lane that sits there, has a hole in the front of the entrance to that Lane, large enough to lose a small car; is there any chance you can drop some gravel in that for those folks who live on that section of the road? That little tiny... and it's right there at the mouth of that street. It's enormous and if that's not on your list, real quick to do, maybe you could put something in there.

Blake Thompson: I can't speak to that specifically. I haven't noticed that or seen that, but the access to a lot of those lanes, there is still curbing that needs to go in and I imagine

there will be a lot of back fills. It sounds like what you're talking about there, where there's a section of curb that needs to go in and then...

Mayor Jones: It's just a hole in the middle of the road.

Robin Davis: It's a pothole in the center of a lane.

Mayor Jones: It's huge. It's where Dorsey crosses Carlton there; that little tiny spot right there, that entrance.

Blake Thompson: That will certainly have to be fixed.

Mayor Jones: It's enormous. I don't think you'll miss that.

Blake Thompson: And your engineer that inspects it, won't miss it before you accept it.

Mayor Jones: No.

Blake Thompson: It's going to be fixed.

Joe Reed: I think she wants it fixed tomorrow.

Mayor Jones: Only if that section of road is way off, I'm just asking you politely, does it mean you're bound to have to do it, but it's worth asking.

Blake Thompson: We want to get started like tomorrow, but all the concrete work and repair work which is going to take the time, the paving's pretty quick, once they come in behind.

Joe Reed: It's probably three days of paving, but the concrete work can take a month.

Councilman Collier: Gentlemen, while we're discussing minor changes, this was pointed out to me by our Public Works Supervisor when we did a walk through in the area by the gazebo, where you talked about removing the four sections of curb; I looked at that rather closely and it wasn't a bad guess on my part as to what you were going to take out and how you were going to continue the radius.

Joe Reed: It's four sections.

Councilman Collier: Yes, but it was suggested by him and once he made the suggestion it made very good sense, would it be asking too much that you relocate those mailboxes further down and on the opposite side of the sidewalk? First of all, it facilitates a greater area for resident's to park and not be in that curve when they stop at the mailbox; my concern is that once you relocate that curb, and again this was an educated guess, because I've done this a time or two; that you would be putting that mailbox rather close to the curb and it would be very easy for a large vehicle passing through there and somebody just happens to step back from the mailbox, now that the curb's that close to it; and be in harms way and to relocate it down about midway of that tangent portion of curb and on the opposite side of the sidewalk, would greatly facilitate the safety and I think the resident's would appreciate it and it wouldn't bother the ladies garden, it would give her more garden space. So we're talking about the concrete pad that supports the mailbox and setting it further down. I hope that's not a deal breaker.

Blake Thompson: I'll let you put a note where you want it and...

Councilman Collier: How about if we have our Public Works Supervisor meet with your representative and show him, because he's familiar with that and it would be...

Blake Thompson: I just have to get the postmaster over there; I can't imagine that... they have a say in that too; but that's one of like three or four areas where there are mailboxes.

Councilman Collier: That's the only one that with the relocation of the curb it really looked like it was creating a safety problem; putting the resident's in harms way. It was

purely his suggestion; I just thought I'd bring it up since we were sitting here and negotiating those little tiny points.

Blake Thompson: We didn't measure it, as you recall, Gus couldn't tell you how wide that pad was; it was in front, but the pad wasn't going to be touched, but the back lip of the curb was going to be very close to that pad.

Councilman Collier: Right and that's my point, because when I had the opportunity to go out there and visualize where it would be, I found that it would be a little close for comfort for most anybody. One misstep backwards from your mailbox and you might be gone.

Blake Thompson: Fair enough.

Councilman Collier: For me, the only other issue I had with sidewalk completion, where you have lots that are rear-loading on these, as we're going to call them Lanes; is there a reason not to do the sidewalk there, because all the construction would actually occur; I would imagine it would come off of the lane; any excavator or anything else that moved on that lot, it would logical to come in from the back, where there is no curbing for them to cross.

Blake Thompson: I think they come from the front. The resident's could probably tell you better. I see Mike shaking his head, but yes; I've seen some emails...

Councilman Collier: Well I'm looking at it from the aspect, I'm imaging the young family with a child in the stroller, having to make the step out into the street. I don't recall the exact name of the street, but there was one area where there were two or three right on the end of the block.

Blake Thompson: I think on the construction, I've only seen a few emails on that, having been copied on; but typically when the builder accesses from the alley, they generally get complaints, because then they're blocking resident's from getting out.

Councilman Collier: That's fine. It was only a question. It wasn't a demand.

Blake Thompson: No, it's a good point.

Councilman Collier: I have to look at this from both sides of the fence. Thank you.

Blake Thompson: At some point, you balance whether to do it now or just wait until everything's built and that's what we're trying to do. We're not saying we won't do it now, but...

Councilman Collier: I'm tickled to death you guys are coming forward and stepping up and I'm sure a lot of people in this room are. I don't want anything that's been suggested to be a deal breaker at this point. I think we're too close to getting there. There will be minor concessions on both parts.

Blake Thompson: Sure.

Mayor Jones: Anything else. Councilman West? You took that walk around. Anything that concerned you that day?

Councilman West: Yes, my main concern is the compaction of those streets, because you've got a lot of soft spots in there and if we put them roads in there, you've got to make sure that that ground and those roads are stabilized, because some of those drains and stuff, are sinking; your handicapped places, a lot of them have sunk down under the concrete and all that needs to be addressed, because they are safety issues. If you don't get the compaction of those streets right, when you top coat them, then we're going to be stuck fixing those mistakes.

Blake Thompson: I'm not going to stand here and argue with you. I certainly think there's...

Councilman West: No, but I'm just telling you what we saw the other day.

Blake Thompson: I would certainly think there's...

Councilman West: I know some of the things that are on that list are nit-picky, but what we're concerned about is the main things.

Blake Thompson: We are too. We want it to look real nice and we want it to stay that way. But I would think that after all this time, that these things should be pretty much settled out.

Councilman West: Not necessarily.

Blake Thompson: Really?

Councilman West: Not necessarily, because there's natural springs that run under there too.

Joe Reed: I believe and again, we're just the... for lack of a better term, the dumb investors, we're not the construction guys, but I believe that when we built this, because I remember some of the partners complaining about how onerous the specs were for how much stone... and I think Milton has changed... I know Heritage Creek made a request. I don't know if it got reduced or not, but it has reduced the specs for the roads since Cannery Village has been built; or at least there was a request. I don't know that much. What they tell me is those are built more like to highway specs; the amount of stone and all that's there now; granted they still need to get the top coat; but it's like in the county, I think it's 6" of stone and 2" of blacktop. I think we had 8 or 10" of stone in these roads. It was pretty overkill and I think the Town has reduced that road spec in the last half a dozen years; so they should be built to last.

Councilman West: But there are compaction problems in some of those places. I can't exactly tell you where they were at, but I could go out there and find them.

Blake Thompson: Well I'm sure there are on that punch list, they should be.

Councilman West: They are.

Blake Thompson: They are.

Mayor Jones: I'm looking to Mr. Wingo. You took the walk. You'll take care of the roads. You saw the problems and I'm looking to see if there's anything else that you need to advise Council to look at in this development.

Greg Wingo: I think the biggest thing on the issues that we have out there, I could sit here until I was blue in the face talking to you; same thing with these fellows up here, until you actually see it, with your eyes, you know exactly a lot of the major issues that are going on out there. As Councilman West was talking, the majority of those spots, repairs that they had to dig up service lines; fix your sewer line; so those were the issues with them; which are big issues. You figure you get it paved; five years down the road, you're going to start having sink spots; it's more cost for the Town to have to fix those little problems when we can go ahead and take care of them now. The curbing issues, there's a bunch of them. It's not so much that... there's a lot of curbing out there already. It's a lot of busted up curbing and I've seen a lot of the areas that you call nit-picking; not a huge concern. The ones that are cracked all the way through and busted up real bad are the ones that we're going to have a problem with a year, two years, three years down the road. Street valve boxes, there are several of them out there, that I can't even put a

rod on to shut that water down. They're not lined up with the valve. Quite a few of them are filled up with dirt; a lot of them are busted, due to plowing; and handicapped ramps, there's quite a few of them out there that started sinking; a huge, huge safety issue right there. There's probably a few of them that you can't even get a wheelchair or it would be hard to push a wheelchair up them.

Councilman West: Some of them are down about that far.

Greg Wingo: I think I measured one of them which was approximately 2-1/2", which is like I said, with your ramp, trying to push a wheelchair, or somebody trying to walk it, is just a tripping hazard.

Blake Thompson: Is it on the punch list?

Greg Wingo: Yes. One of them you have a curb valve box right in the center of the ramp that goes up, sticking up 2-1/2", so these are a lot of issues that I feel that need to be addressed and there were 365 total items on that punch list. I've gone through each and every one of them. I've got all the pictures here that you were talking about.

Blake Thompson: I think we're proposing to fix 330 of them, or something; we're down to a couple of dozen items that...

Joe Reed: We want you to ride herd on our contractor, because we're going to be paying him.

Greg Wingo: I had in the drainage issue, there on Dorsey; it's actually in two spots. It's between that one that spacing that you were talking about that was falling in and the next one down; there are two bad issues there. That's due to poor grading.

Blake Thompson: That's almost 200' probably.

Greg Wingo: Yes, approximately about 200'.

Blake Thompson: Yeah, it's a mess of problems.

Greg Wingo: About two years ago that was supposed to be a final grade on that road. They came in and actually paved that and it had final top on it.

Blake Thompson: Gus Croll has been aware of that for at least two years and it's his problem. He's going to make it right.

Greg Wingo: I know that you're aware of it, but as I said, a lot of these items are in my eyes, top items; I fully am aware that we need to go ahead and get these roads done and paved; but I don't want us to jump into something where if we go ahead and get these paved, with these items not being addressed, then it's only putting us in a situation 2, 3, 4 years down the road.

Blake Thompson: I can tell you right now, we're not going to do any paving until all the repairs are finished. We're not going to say oh we're going to do this section first and then that section. We're going to do all the concrete repairs, all that concrete work is going to be finished; you guys are going to be happy with it and then we'll do the paving part. So we may be out getting prices on paving; but we're not going to pull the trigger on the paving, until all the other work is done satisfactorily.

Greg Wingo: Just to add one thing. The sidewalks are a big issue with me also. I think every one of the sidewalks need to be in; if you own a spot on Summer Walk, Adelaide; somebody had mentioned something about walking to your clubhouse. You should be able to walk on the sidewalk from start to finish. A few years ago we basically made Wagamon's West Shores go ahead and put in all their sidewalks. I understand that there's lots that you haven't sold, but the whole deal, or everything that I've read up on, it's at

the developer's cost to go ahead and fulfill everything on this punch list. If that lot hasn't been sold, five years down the road, if you're going to come and you didn't sell every one of the lots out there, so you still have no sidewalks and we're kind of still going to be in the same bind on trying to force somebody to put in sidewalks; so it's going to end up being the Town's cost to go out there and put the sidewalks in.

Blake Thompson: We had to pick a date. We said five years, but we certainly don't expect it to be five years. We honestly believe that once we put the roads in, not only will all the present homeowner's be very happy; we'll be happy too. We honestly believe that at that point, property values will be better for all the homeowner's and the market's improving and we believe that our lots and our lot home packages, if you will, will be more salable; we think that we have maybe 40 lots left. It shouldn't take us five years to roll through that if everything continues.

Joe Reed: Yes. I'm not sure, maybe it was Dustan here before; he was your predecessor; but he walked the project with our contractor and I think with an engineer; the list was developed and all the things you're talking about, that's all going to be fixed. No one's proposing that all those things you're talking about aren't going to get fixed. Like the sidewalks, we're down to a few major items; one of them is the sidewalks and we're big boys, you just tell us; if the Town says we're not taking it, until you put in all the sidewalks, then we may have to wait until we sell a couple of more lots, because frankly I don't know if we have enough to do it with all the sidewalks right now. We're waiting on the final cost. We'll do it, we may just have to wait another sale or two; but we want to get it done, if we have to do that; and then those sidewalks are the Town's responsibility and they will just have to fight it out with the builder's as they build the homes and frankly, it would probably be easier for us, at that point and then... Because Capstone, who is affiliated with a couple of the partners, is currently building most of the homes in there; may continue to be. We've got lots for sale, they may be hiring their own builders; builders that aren't affiliated with us at all; but frankly, it would be a lot easier for us then, because then the Town, the sidewalks get busted up, can fight with the homeowner or the builder, at that point and we're done with all of our obligations. We prefer not to do it that way; we think it makes sense, but if that's the way it's got to be done, that's the way it's got to be done.

Blake Thompson: Well I think it really came about by the fact that many of these lots that we're talking about, that are...

Joe Reed: They're not even graded yet; we have to bring in some fill to bring them up to even put the sidewalks in. They're like 6" below grade, some of them.

Blake Thompson: At least and we're probably going to be digging out basements... We were kind of hoping, we just thought it was counter-productive, but...

Joe Reed: I just was comparing it to... I don't know what Milton's policy is throughout the rest of the Town, comparing it to Rehoboth and some other Towns, Lewes, typically; there's a lot of times a vacant lot that doesn't have a sidewalk on it; sometimes it does, sometimes it doesn't; but in a perfect world it would be better if all the sidewalks were done and everybody can walk on the sidewalk, throughout the community and I don't know if that's what they do in Cannery Village, really or not. I think they do utilize the sidewalks more than some communities. I've done communities where we've put in sidewalks and everybody still walks on the street, but I think...

Councilman West: Lawsuits; so they get hit and they get taken care of.

Blake Thompson: In most of these areas there are sidewalks, across on the other side. I think some of these lots are actually across from the large pocket park; there are a couple there and then there are some on down around the corner that back up to the clubhouse; or the clubhouse pool, if you will; that area seems to be where a number of them are.

Joe Reed: That's our request. If it doesn't... that's what we're asking for. If Council doesn't see fit to grant that, then we just have to deal with that. We think it makes sense, but if you don't, we respect that.

Seth Thompson: And just to hopefully so that issues don't get commingled in people's minds, I've gone through and tried to break them out into what I see as procedurally what needs to happen. The first, in terms of the dimples and anything that Chestnut Properties thinks is de minimis, we'll just need to see a list from you guys obviously in terms of what you feel shouldn't be fixed on the punch list, the small dimples and those sorts of things. The big issue again, that we've been talking about, the sidewalk installation, as opposed to when it's being dedicated; the Town Council has control over that and it's a question of whether you feel that this project and this developer is showing good cause and given forth an acceptable proposal in terms of deviating from your normal requirement of having all sidewalks in before any dedication. The third item on my list, there's the sidewalk waiver that the developer would like to see in terms of the property around the stormwater management pond. Basically the project changed obviously when Dogfish bought a parcel. So I understand the rationale to be avoiding encouraging people to walk around the stormwater management pond; Council did at some point, thanks to Mr. Davis going through minutes, consider and grant one waiver in terms of sidewalks in the community, but then denied some additional sidewalk waivers; so that's another issue that would be within Council's discretion. I would think you would need to see that in writing, before you could do that; but that was the third item.

Councilman Coté: Question on the sidewalks. When we were out walking around. There are sidewalks in the approved plans on properties that were sold to Dogfish.

Seth Thompson: And when you say plans, do you mean the sub-division plan, or do you mean the site plans?

Councilman Coté: The sub-division. There were sidewalks that run down the side of the parking lot.

Blake Thompson: That's going to be our responsibility; either we're going to hopefully talk to Dogfish and see if they should pay to put those sidewalks in.

Councilman Coté: And the same with the section from the first...

Blake Thompson: We're not asking... we were, I think, originally; we did mention it to the Town; we thought they might have more leverage in the situation than we do, but we're going to with _____.

Mayor Jones: Is that on that long leg side of that property?

Joe Reed: Across from the clubhouse.

Blake Thompson: Yes. That's correct.

Councilman Coté: And the section that also connects 110 to 120 Village Center Boulevard to the rest of the community; which is on the Dogfish forest?

Blake Thompson: Yes, that's Dogfish's responsibility. Where they planted all the trees?

Councilman Coté: Yes, where they planted all the trees and they have their construction site.

Blake Thompson: That's correct. Those two areas right there, are areas that we have to go talk to them about.

Councilman Coté: Thank you for that.

Councilman West: I've got another question. Where it says you do not want to install the sidewalks and ramps; where the curbing comes where you've got to put ramps in; or later on you're going to have to tear the curbing out to put those in?

Joe Reed: I'm not sure I follow the question.

Councilman West: Where the sidewalk meets the curbing, where you've got to put the handicapped ramps in.

Joe Reed: Like at the corners?

Councilman West: Yes. Are you going to have to tear that curbing out, to put those in later on?

Joe Reed: If I understand, like on a corner, where there's a handicapped ramp; all those will be finished. I think they're all in and what needs repair, will be repaired before dedication, but I don't think there are any of those still to be constructed.

Blake Thompson: I think they would all be in. The handicapped would all be in.

Joe Reed: Are you talking about a private individual's house?

Councilman West: No. No. At the ends of your sidewalks.

Joe Reed: They're all in, I think.

Blake Thompson: We took that off the punch list, 23 of them, I believe; between the ones that are damaged that needed to be replaced and the ones that aren't there, that needed to be put in, the new work; I think it's a total of 23. I'm pretty sure.

Seth Thompson: But Councilman West, I understand your questions to be, part of the relief they're seeking is obviously not to install sidewalks in front of an empty lot. I think their answer is, there aren't any empty lots that would require that corner...

Councilman West: No. I'm not talking about the empty lots; I'm talking about where the end of the sidewalk will be; say this is your street; and you've got curbing around there; have you got the access when you do put those sidewalks in, for handicapped access; or are people to walk up, or they've got to step up on the curb?

Joe Reed: No, they're all handicapped; the way the plans were approved and wherever handicapped ramps or depressions were required are going to be in. It's either are in or will be in. It would be per the plan that was approved.

Councilman West: That's my question.

Joe Reed: It will be per plan, that was approved. Yes.

Councilman West: Because I don't want you to have to come back after you dedicate these streets and we get them dedicated and then have to tear out that and then they screw up the streets.

Joe Reed: No, no, exactly. The only relief we are asking for related to that kind of stuff, was some of the vacant lots; not putting the 3' sidewalk across the front of those.

Councilman West: Right. Right. Right.

Joe Reed: There will not be any other concrete work that we would not be doing.

Blake Thompson: We almost felt like, to fill the lots, to bring them up to grade; you

really couldn't do it right where the sidewalk is, you have to do the whole damn lot and then you've got to have someone on that lot; that will be the one they want a basement on. We were just trying to be practical about it all. We really weren't trying to stick you with lots that don't have sidewalks, down the road.

Joe Reed: What is the... I know in Wagamon's West Shores you required them to put in the sidewalks; what throughout the town on vacant lots; do they all have sidewalks?

Seth Thompson: The Code requires before any roads or any improvements are dedicated that all the sidewalks be in, so that's... Unless...

Joe Reed: So it's different for a sub-division, maybe then; I'm just wondering like vacant lots throughout the Town?

Seth Thompson: I'm sorry; that aren't within a sub-division? That's part of a separate...

Joe Reed: Do they all have sidewalks?

Seth Thompson: I don't believe they all do, but I'll defer... I suppose Robin is probably the better answer.

Mayor Jones: Just new homes?

Robin Davis: In the Preserve on the Broadkill we did it there, on all those lots.

Joe Reed: Those are brick sidewalks in there on all those lots, right? In fact they're just starting a house in there and they pulled up the brick sidewalk, but then they'll relay it, yes. We'll be back to talk about dedicating those roads, because that hasn't happened yet either. And they're top-coated and everything, but they still haven't been dedicated.

Mayor Jones: I did know that three security lights went up there around that traffic circle, so thank you and I do think your original plan called for eight; so we're just going to wait and watch Delmarva come back in there, so thank you though for those resident's. Very grateful for those lights.

Joe Reed: Good.

Seth Thompson: And just to finish my list, the items that will need to go to Planning and Zoning, the bump-out and there's that street that ends, that was supposed to go to the next phase; that's now Dogfish property, would require a pretty basic site plan revision that obviously would just go to Planning and Zoning. The lane dedication issue is a sub-division revision, so it would go to Planning and Zoning and then come to Council. So, procedurally what you can do tonight, I would say, would be if Council's comfortable, if they feel informed, can vote on the waiver of the sidewalk installation prior to dedication of the entire property. Obviously, the caveat is you have to go through the rest of the process; that the punch list has to be done; it has to be inspected; a Title search has to be done; and we have to receive all the Release of Liens from all their contractor's. So obviously you're not usurping the normal route; you're just saying that as part of that, they wouldn't have done the sidewalks in front of empty lots, other than those along Village Center Boulevard. I know that that's a mouthful; that's really what the issue can be for tonight and the question is whether they've shown good cause to do that.

Mayor Jones: I can't thank you enough for the number of times you've come back and tried to work and the compromises I know are necessary. I have to tell you, though listening to our Public Works Supervisor, who's making a strong recommendation that sidewalks are put in according to plan; in keeping with what we required from a previous sub-division, I would be hard pressed to go against his recommendation at this

time. I do not know how the rest of the Council views that, but I would like to believe that we take advice from the staff members that work and will eventually work these neighborhoods and understand them from a practical point-of-view, in a way that perhaps I do not sitting here; but mine is only one vote; but I would tell you I would have to consider his recommendation carefully, so whether or not that gets bundled tonight; that waiver; it's still on the table.

Seth Thompson: I guess we have two council members that would seemingly need to recuse, based on living in the sub-division, so that does leave four Council Members open; since we're missing one. That's some other consideration for the Council; whatever it deems appropriate.

Councilwoman Parker-Selby: I would like to say I was not there Saturday, but I did go today and I have been out there on my own before, kind of riding around and certainly I'm glad to see some things are getting ready to get down; however, I agree with the Mayor and Mr. Wingo's many things that were brought to my attention. I would be very upset if I lived back there, so I just don't think I can go along with that right away, with the sidewalk thing that you're saying. The sidewalks.

Councilman Collier: Let's see, how do we do this?

Blake Thompson: One other thing, I want to point out too, with regard to the area back by the gazebo, we've been through this. That's something we're... That's really, if you will, not our responsibility and we're taking upon... we see that it doesn't work, but however, it was built to plans; it was approved by the Town; and it was put in, so we are... I don't want it to get lost that we're not going above and beyond the call of duty here.

Mayor Jones: Understand.

Blake Thompson: We would like some good will, that's why we're asking for a waiver here on those sidewalks.

Seth Thompson: Gentlemen, if the Council weren't to grant the waiver and obviously, there's then implicitly require the sidewalks to be done before they receive dedication; what's the time frame? In other words, is there a real world affect in terms of if the waiver is granted vs. if the waiver isn't granted; are we looking at the resident's having another winter paying for snow removal...

Blake Thompson: No, we're not here to try to hold a gun to anyone's head, or hold you hostage and I don't really know. I guess we'd have to go out there and frame them up, somehow...

Joe Reed: I guess it's about finances; does that change when we...

Blake Thompson: I don't know how much...

Seth Thompson: And you might not be able to answer it. I'm just trying... rather than stay in the theoretical if we can come...

Joe Reed: I did allude to that and frankly we have sold some things and finally got rid of the bank there; paid them off; didn't get a concession like all our neighboring sub-divisions, but we paid them off in full and we have accumulated some money that we feel, we're pretty certain, is going to take care of all these repairs and the paving and we didn't account for probably \$40,000-\$50,000 in sidewalk, but we don't know. We haven't gotten the paving number; we've gotten... he's been working with Gus Croll; we've gotten a lot of the numbers, but...

Blake Thompson: We didn't get the paving... we've done paving in the past; we've done it 3 or 4 times over the last five years. There were different times where we thought about refinancing the project to get money to do the lots and then we were just sick of borrowing money and we just said the hell with it; we weren't going to borrow anymore; so we, like a lot of people might be after going through a recession; you kind of look at things differently. I can't answer the question. One thing, if we do the sidewalks and obviously we don't have to give you lots for collateral, because we're doing it all and so it is a deal-breaker, or is it something that's going to keep us from doing it, or are we going to get mad and say we're not doing it for a year? No.

Joe Reed: I can say and I can speak for our other partners, I don't think we are... we're not contributing anymore money to this, so it may only involve one lot sale; that's basically about the money we're talking about, so if we're short it will only be one lot short; is all we're talking about with all that curbing, so that when that next sells, we'd have enough money to then add that to the total; but we're not cash _____ anymore...

Mayor Jones: I have to agree. I don't really anybody at this table is going to present anything to you that would be a deal-breaker at the 11th and a half hour. We are excited that this is as far along as it is.

Joe Reed: To some respect, I agree with them; it's just a financial decision and it does seem like a little bit of a waste, because they're probably going to get busted and redone again, but then we're totally done; the sidewalks; everything's already down and the homeowner's or us don't have to worry about it. So, frankly that's cleaner for us, it's just can we afford to do it right now. I can't answer that, but I think it will be close and we should be able to and if we can't, I think we're talking a matter of a months difference in getting it done; maybe it's fall, instead of spring.

Blake Thompson: On those lots already, there's not that many of them; these are what we call the front-loaded lots; we're already going to have to take a wild guess as to where they want the driveways to go and no doubt we'll guess wrong and then of course, then you've put the sidewalks in; well that too would be wrong. So, originally...

Mayor Jones: Let me ask you, because I'm not a builder, when you put that curbing and sidewalk in across unimproved properties, do you have to put curb cuts; do you have to put driveway cuts in there, or do you wait until...

Joe Reed: On the front-loaded stuff, I think we have to go ahead and put the curb cuts in; fortunately most of it is alley loaded, so on the alleys there's not any curb; most of the garage lanes will be coming off the lanes; but there are of the single family lots, I think we do have maybe 8 or 10... we might have 8 lots that are front-loaded where we will have to determine where the driveway's going to be, I think up front and cut that other... yes, we want to cut that out and put the curb cut in before we do final paving.

Blake Thompson: Are we talking... is it 8 lots with sidewalks?

Joe Reed: Oh no, it's 45 or something.

Blake Thompson: Okay, so that would solve the sidewalks in that section. I don't think that's as critical to them as the lots in the main section.

Joe Reed: And maybe that's what we do. Maybe you're right.

Blake Thompson: The sidewalks I think that are most critical to everyone in here, would be the ones in Sections 1 and 2 and not the new section up by the Dogfish parking lot.

Joe Reed: Which we were not even going to topcoat until the last week. We were just

going to wait, because only 4 of 30 houses have been built there; but throughout the rest of the community, I think there's maybe 15 lots; we could easily put all those sidewalks in.

Blake Thompson: Does that make sense to you?

Joe Reed: It's just that section over by the parking lot; nobody's walking there.

Greg Wingo: You mean the section on the other side of the road from the clubhouse?

Blake Thompson: That's correct.

Greg Wingo: And right there where the Dogfish parking lot is? I still think that needs to be tied in.

Joe Reed: Maybe we just don't topcoat that, we don't put the sidewalks in; we don't dedicate that section and we just do that section, when it's built; which is what the plan was two weeks ago, I think, anyhow.

Blake Thompson: We're just trying to make everybody... We want to get working. We were ready a year ago; we were rolling on it a year ago.

Seth Thompson: So just so I understand, it could be that this has kind of morphed into a discussion as to basically not dealing with the sidewalks and not dealing with the top coating of that small section that loops Patriot Lane?

Joe Reed: Yes.

Seth Thompson: So you would look to dedicate everything else and put in all the sidewalks throughout the community, other than that section. Does everybody understand that? Is that...

Councilwoman Parker-Selby: Yes, that makes sense.

Blake Thompson: I don't think it's going to be resolved tonight.

Joe Reed: Yes, that's what I was thinking.

Greg Wingo: I would like to ask a quick question. I believe it was somewhere around June or July, last year, this list was started on by Croll.

Joe Reed: Horsey, I think.

Mayor Jones: Horsey.

Greg Wingo: That was when they were doing the walk through, not the repairs.

Councilman Coté: The few repairs that were done.

Greg Wingo: Croll had come in there and had done a few repairs...

Blake Thompson: Yes, I think it was last fall that they would have done those repairs, those few repairs.

Greg Wingo: I had back in actually September is when they started on this same punch list. I had talked to Josh from Croll today and I had asked him to send me a list on exactly what they did complete, or work on, on this checklist.

Blake Thompson: It's already documented on that checklist.

Greg Wingo: I just wanted to confirm that number and it was 10 items on that list.

Joe Reed: Some of the items were only partially completed.

Greg Wingo: They had worked a couple of days

Joe Reed: I think they did that, Blake you speak to this, but I think they went in and started without... we didn't instruct him to, because Gus is a good guy.

Blake Thompson: No, they were slow and they thought well we're going to have to do it. And it's actually items that we...

Joe Reed: Some of these things were on the list of drainage problems in the original

contract.

Blake Thompson: Some of those items have already been paid for. In other words, so those were the items he was working on; they were items that were not coming out of pocket; they're items that he has to make right. That helps.

Greg Wingo: Yes, that answers my question, because I was just wanting to know why from September of last year til present that there was only 10 items basically and a couple of days worth of work that they had done. You basically answered the question, where you haven't given them the go ahead to go ahead and start this list.

Joe Reed: We have not.

Blake Thompson: That's correct.

Greg Wingo: Thank you.

Blake Thompson: And I think they would rather come in and put all their manpower and get it done. They want to do it all at one time. It would make the most sense for them. That's what they told me.

Joe Reed: But I think when he saw the list originally, there were certain things on there; his term was that he "owned" and what he meant by that, was these were things that we paid him to do the first time; they weren't done right; and so he was going in there to fix them; it wasn't going to cost us anything, because we haven't authorized him to do any new work; to spend a nickel. So I think that's what happened. He went in there just to fix some things, from the original contract, that were not correct.

Mayor Jones: Now, Mr. Dailey, I will allow you to make a brief statement. Come to the microphone.

Jeff Dailey: 211 Gristmill Drive: The only reason that I want to speak at this moment is to give some information that I feel will be helpful to one and all and Mr. Thompson and Mr. Reed, no disrespect to you at all; I think this will be helpful to everyone. Mr. Wingo pointed out that when Wagamon's West Shores was done, there were five different lot owners in that development and this is why it was felt to put everything in and then, if there was any harm done to curb stones or sidewalks, the individual builder's and/or lot owner, developer would pay for those corrections. We have had in Cannery Village the prospect of lots being sold individually; with the review Committee being Chestnut Properties and I bring this up, because if you don't put the sidewalks in, three years go by; then someone buys the lot to build a custom built home that Chestnut Properties would presumably approve the look and feel of; they may not build on that lot for another five years; that's eight years without a sidewalk, or nine years, you see? You need to be aware of that. I don't know how I personally feel about the back section where you have a lot of building to do having sidewalks; however, it's a walkable community; health and safety features; having sidewalks in place; meeting ADA compliance and, as the two gentlemen said, if we do it that way, we're done. That seems to be important to me anyhow; to my head. The other very, very important thing and Mr. Dyer was here twice; I think I heard him present after the poorest presentation to Planning and Zoning; we have a major pending issue on I believe it is Acre Lane at the southern end of the clubhouse. Mr. Dyer promised that when the streets were done, the bricked up wastewater, stormwater interchange would be addressed and that that would be tied back into Village Center Boulevard. So that has to be considered as well. I hope it's on the punch list, but that is a major infrastructure change and thank you very, very

much.

Blake Thompson: I think there's a storm drain missing on Acre Boulevard and...

Councilman Coté: It's on the list. It's on the punch list.

Blake Thompson: That's what I mean, it's on the punch list.

Joe Reed: It was also identified on the punch list that contributes to that problem, there's a storm pipe that goes to the pond, that is blocked up or something; or it doesn't go all the way out to the pond, so the water was coming up through the storm drain, back in that corner; but it's part of that same drainage system.

Seth Thompson: Gentlemen, I procedurally, I suppose if you did want to go with the plan that the discussion morphed into, you wouldn't obviously need the waiver of Council; you could go in and install the sidewalks fully in the area that you plan on dedicating first. In other words, everything except Patriot Lane, the loop around it, as well. Obviously, that's a decision for you guys to make. I hope Council understands that it could be that they just elect to pave everything; do everything on the punch list, with the exception of paving that final section and installing the sidewalks on that final section and then come to Town and ask to dedicate the improvements, except for that final section. For Council's benefit, at one point there was a discussion in terms of doing limited paving and then, the thought was that it would be paved entirely, so we didn't have to worry about how we would show stopping and starting.

Councilman Collier: We left the idea that red lined plan would go by the wayside, because the decision was made at the table that they would just do the paving in it's entirety, rather than stop and start in certain sections.

Seth Thompson: So at some point, if Chestnut Properties decides it wants to install all the sidewalks and do all the paving and do everything on the punch list, with the exception of the paving and sidewalks in that upper section; obviously the Town would need to see a plan in terms of where the paving stopped, so that then the Deed of Dedication could be drafted, that sort of thing.

Councilman Collier: Alright, what do we need to move forward with this?

Blake Thompson: Could you give us an and/or?

Seth Thompson: Certainly Council could table the issue, if it wants and that gives...

Audience: No, no, no.

Seth Thompson: Part of it is obviously dependent on you gentlemen in terms of whether you want...

Blake Thompson: You can approve it either way; you could just say well you'll either do all of it, or you'll do all except for that and we'll accept dedication for everything but the last section, or we'll accept it for all of it; if you decide to go that route. In other words it's either/or. Because we need to talk to Pret.

Councilman Collier: I'd like to make a motion that we encourage Chestnut Properties to go ahead and proceed as directed from this evening. I'm not inclined to include in that motion a waiver for sidewalks, at that time; but I'll leave that open as something that could be brought back; if you can make a valid argument for it.

Blake Thompson: I think if we did the waiver of sidewalks, it would just be for the last section by the parking lot and then if we weren't going to do that, we might not do the paving there, because we wouldn't be able to have it dedicated, so...

Councilman Collier: What you're speaking of is splitting this into two phases of

finishing and with the second phase being that in the back there by the parking lot. I understand that.

Joe Reed: That phase was installed; that was a separate phase for the infrastructure that is in there now; it was a field until a couple of years ago.

Councilman Collier: Well, I think my motion is that we're encouraging you to proceed, we're encouraging you to take the steps with our Planning and Zoning Commission to get all the proper things in place. I don't know if we really have a formal offer on the table from them in a sense other than that they say they're going to go.

Joe Reed: You haven't conceded on anything.

Seth Thompson: I want to make sure...

Councilman Collier: I'm trying to make sure I get everything that we need to have in it too, that's why I'm throwing this out of here and I'm waiting for you to guide me.

Joe Reed: We fix everything.

Seth Thompson: So to be clear, it's not an approval of a waiver of any sidewalk installation?

Councilman Collier: Not at this moment. But it's not that it can't be brought back for consideration. I want to leave that out there.

Seth Thompson: But it is an acknowledgment of their ability to phase off for finishing purposes Patriot Lane and the area around it? Is that...

Councilman Collier: That's it. Let's get some concrete work started.

Councilwoman Parker-Selby: Second.

Mayor Jones: Now it's open for any further discussion. Could there possibly be any? Will you reiterate, all members of Council, what this motion is right now, please?

Councilman West: He's confused.

Seth Thompson: And I'm sure Councilman Collier will correct me, if I'm incorrect; but obviously the developer's are encouraged to go through the processes that we've laid out in terms of applying to Planning and Zoning and applying to Council, basically the appropriate body for the various steps that we've discussed; it would not include, at this point, a waiver of the requirement of installing sidewalks, prior to dedication; but it is an acknowledgment that the developer can phase-off that area around Patriot Lane and streets around it, so that the Town would be in a position to accept the streets and other improvements when completed; including sidewalks obviously, for everything except that area. Do you think that's an accurate statement? I'm looking around.

Councilman Collier: That's pretty close.

Seth Thompson: Did I miss anything?

Councilman Collier: No, because some of the things we can't move forward on until they go through the Planning and Zoning process and that would be acceptance of the Lanes; because I know there are a lot of people out here with that on their minds. That still has to go through the Planning and Zoning process and I cannot even make a motion to that effect.

Councilman West: I have one more question. You did say that that one section by that parking lot at Dogfish, you're going to try to negotiate with them to get that piece of section?

Blake Thompson: No. We're going to have them pay for it. We're going to make sure it's paid.

Councilman West: No, I'm not talking about the payment; I'm talking about the sidewalk.

Blake Thompson: The sidewalk's going to be in all along the front of that property, which is directly across from the clubhouse and even with the sidewalk continued from the parking lot to that new sidewalk; because that also wouldn't connect, the way it is now.

Councilman West: I just wanted to make sure I hear you right enough.

Blake Thompson: That's fair enough.

Joe Reed: That's important sidewalk there. We have witness people tripping over the curb, coming from a tourist... they'd been drinking and walking on the road and then face planted.

Councilwoman Parker-Selby: Call for the vote.

Mayor Jones: Alright, we have a motion and a second; two recusals? Correct? On the record Councilman Coté and Councilwoman Patterson are recusing themselves.

Councilwoman Patterson: I'm recusing.

Councilman Coté: Recusing. I don't know if I'm recusing... I don't think I'm recusing because I live there. I'm recusing because I'm a member of the Board of Director's of the Homeowner's Association.

Mayor Jones: For the remaining four who have a vote this evening, all those in favor of the motion on the table say aye. Opposed. Motion carried. Would anyone waiting there mind a three minute recess?

10. New Business – Discussion and possible vote on the following items:

χ. Fence Contract Award

Mayor Jones: This item is brought to the forefront ahead of Shipbuilder's Water Tower Foundation. Mr. Pat Ryan is here with us this evening.

Pat Ryan: What you have before you are the bid tabulation results for the bids for the new fencing to go into three sites for the Town of Milton. This is to provide fencing from a Homeland Security grant that the Town was awarded in the amount of \$30,000. Those three sites are the Shipbuilder's Tower, which we have structured as your bases bid, in the second column on that sheet; the next column is Alternate One, that's to do the fencing at the Maintenance Yard and the the fourth column is Alternate Two, for the fencing at the Chandler Water Tower site. We invited more than a dozen contractor's directly, with advertisements from our office; advertisements were placed in the News Journal and the Cape Gazette and we had three bidders attend the pre-bid meeting and of those three bidders, we received two bids. So the results are in front of you. We've structured this to give you the maximum flexibility on how you want to award this contract. We followed the State bidding procedures and in simple terms, you have to start with the base bid and then you can select either or both of the alternates, depending upon the funding structure that you have. In addition, we included unit prices to add or delete 10' sections of conventional chain link fence, or the decorative metal security fence, so we have several options in front of us. Time is of the essence on this project, because your grant expires June 30th, so we would like to encourage you to make a decision and award a contract next week and the contractor's have indicated they'll have

the project finished on or before June 30th. So what I have before you are the results and I'll be glad to take any questions that you may have.

Mayor Jones: I have a question for Mr. Ryan and I admit it was my misunderstanding of the bid process. What I'd like to know is, out of the figures that you have presented to us here, is there a possibility in using that grant money, to either reduce the scope of the project at this time, or pick and choose the locations, in order that we may use the better quality decorative fence at the locations? I think, just since the time that it was put up on the website, the public has been rather vocal; at least I have heard from them; and because this is a legacy for this administration and how it presents and looks at the locations in Town, I just want to ask if I am too late to the table to even ask this question?

Pat Ryan: No, you are not. The way we would structure the award is we would award it on the lowest base bid and the combination with the unit prices that gives us the lowest price and again, that's in compliance with State Administrative Policy, that we can do that. To take your example to the next step, it would be and I would have to actually do the layout and the calculation to get a precise number, you would award the base bid and then the prices from the next to last column; you see Price Number Three; to come up with a final award contract to do that. The other options that you do have are to award base bid and perhaps Alternate One; and then use the rest of the money to see if we could get that done at Chandler Street; or in either case... you see the numbers do vary between the two bidders.

Mayor Jones: I am most concerned about that Alternate One and the Alternate Two, which are the most visible by the public; that's our Maintenance Yard and the Chandler Street water tower. I wouldn't care if chain link went in around Shipbuilder's Village, but those two other properties I just wasn't sure whether I was too late to ask, or have considered a more decorative fence at those other two locations. Of course, it's determined on Council vote, but I just wanted to make sure that option was still out there.

Pat Ryan: You have that option available. Yes, Ma'am.

Councilman Collier: I think the question though is at what cost do we have that option? I mean, I see the unit prices, but what that doesn't tell us is if we replace 175' of what's listed here at the Maintenance Yard as new fence, I have to assume that that's... I mean I'm only making the assumption that's the Maintenance Yard and that price is to do it at the lowest price fence.

Pat Ryan: The Maintenance Yard with the Forest Fence is based on a commercial grade chain link black fence with a twist...

Councilman Collier: That's my point, so to now upgrade that to 175' of decorative fence, we're looking at increasing that cost by the unit price per every 10' section, so 17.5...

Pat Ryan: That's correct, minus the other unit price to get the difference in price.

Councilman Collier: So the net price would be increased by \$475, is that what I get?

Pat Ryan: Well, it would be the \$920 minus the \$220 in Forest Fence or the \$625 minus the \$250 under Able.

Councilman Collier: And the total bid that we see, base bids one and two are based on what's on your drawings and the low bid already exceeds the grant by \$6,900 and we're going to have to find that \$6,900 just to get at the base bid; any changes would require

that we come up with additional funds, over and above the \$6,900.

Pat Ryan: You're correct. In order to do the entire project, the total would be \$36,900; and that only includes the decorative metal fencing in front of the treatment building and around the pump house. What I understand the question is the question is, the additional fence to do that.

Councilman Collier: That's where the cost goes up dramatically; when we start swapping one out for the other.

Pat Ryan: That's correct.

Councilman Collier: Well we already scaled back the areas we were going to fence, so that I don't believe we can do anymore. Councilman Coté, you're the Treasurer. So how big is your treasure chest? I have a calculator.

Councilman Coté: Well, why don't you use the calculator and figure out what you're trying to get to. We have the six month budget review coming up in May, at the May 7th meeting. One of the answers is there was a long list of capital expenditures for the Water Department. We could in theory substitute this overage, which currently looks like \$6,900 or \$5,000, depending on if you can alternate the two contractor's. No? Yes?

Pat Ryan: Yes, the low bidder is determined by the choice of the base bid and the alternates you select; and the unit prices we add; so depending upon if you take the base bid... For example, this is just as an example. If you took base bid and Alternate One in round numbers that's \$15,600. For Forest Fence, if you took the base bid and Alternate One, that's \$15,275. So your low bidder there is Forest Fence. You can work the numbers across the page... the intention is to get the best price for the Town, not to play around with who we're going to have do our project, because unfortunately we only had two bidders, but that is a State Policy and we have followed that and we're consistent with that.

Councilman Coté: But back to Councilman Collier's question, we could look at the capital expenditures listing and see if we wanted to discuss changing that budget and substituting the excess over the \$30,000 of the fence project, for one of the other approved expenditures already. So I think we probably will have some changes with the six-month budget review. I don't know that it will be capital expenditures, but I think there will be some others.

Mayor Jones: Would we be permitted to accept base bid and Alternate Two for this project?

Pat Ryan: Yes.

Mayor Jones: And spend our funds there; hope to go back and make an application again for the Maintenance Yard, but I do understand it's the bases bid you must accept.

Pat Ryan: At minimum.

Mayor Jones: At minimum. Okay. I would say, of course, they are all important. Two of them involve water source, which is truly the Homeland Security issue. Again, I have no aversion to putting chain link around the Shipbuilder's tower; it doesn't abut up to anyone, but I think the view of that Chandler Street water tower is going to stay with us for a very long time. But it is up to Council. There just is a very delicate timing; it must get done; we need to spend these funds or lose this grant; we do not want to do that.

Pat Ryan: Just as a comment. This project was bid in 2007 in a slightly different fashion. These bids are 51% less than what was bid then. You've got great pricing is what I'm

saying.

Councilman Collier: The pricing is great, but for argument's sake in your philosophy of going with the more decorative fence and not all the numbers are on this plan for me to do it, but with the numbers that I have, just on the one location, it increases the cost by over \$10,000; if you go that route, so now you're looking at doing one of two things. In fact, Alternate One won't even cover completely, because there's this large section here and I don't know what the scale is and I can't tell you how many feet of fence it is.

Pat Ryan: You're looking at Chandler Street, yes; where it says new fence, south of the water tower, is that what you're talking about?

Councilman Collier: Well actually yes, this is south of the water tower, and it says new fence, but there's no dimension on that.

Pat Ryan: That's correct. It was wheeled off; we put in temporary stakes and the contractor's walked it.

Councilman Collier: But based on just what I have, that I have numbers on, you're already at over \$10,000 to go to the other alternative for that entire distance; so now that takes Alternate One, the Maintenance Yard, out of play, plus I don't know what it increases us over and above base bid, as it speaks for the low bidder. So take that into consideration when we go to make a decision here.

Councilman Côté: Councilman Collier it sounds like based on your calculations that using the decorative metal fence and eliminating the Maintenance Yard... well it sounds like the decorative metal fence and the Maintenance Yard are about the same amount.

Councilman Collier: Actually I think the decorative metal fence is going to be more than the Maintenance Yard being done in chain link; because I don't have all the numbers to work with I'm just working with the numbers that I have and I appreciate everybody wanting beautiful fence, but at this point in time, how much... I don't know what... It will be at the pleasure of the entire Council. I just want to put it on record that that's how much it would change our abilities to work with the monies that we have.

Councilwoman Parker-Selby: When is the next time we apply for a grant for the next year?

Councilman Collier: It's not an annual grant. We don't know when this will come again. This is part of Homeland Security, if I'm not mistaken.

Councilwoman Parker-Selby: Oh, okay, so it's not something that we get every year, the opportunity.

Councilman Collier: Those things are going by the way side until we have another go around of those. Oh, what the heck. I make a motion that we go ahead and accept the base bid for the low bidder, Able Fence Company.

Councilwoman Patterson: I second.

Mayor Jones: Anymore discussion?

Pat Ryan: Can I make a comment? If we do that, we're awarding a contract for \$4,800.

Councilman Collier: Well I mean base bid, plus Alternate One and Two, excuse me.

Pat Ryan: Okay, thank you.

Councilman Collier: I amend my motion to reflect that.

Councilwoman Patterson: I amend my second.

Mayor Jones: So Councilman Collier, so that we understand for folks who aren't looking at this piece of paper, that would be base bid, Alternate one and two, and that is as

indicated by the plans for fencing? Is that correct?

Councilman Collier: That's correct.

Mayor Jones: We have a motion and a second on the table. Any other discussion? All those in favor say aye. Opposed. No. Motion is carried. Thank you Mr. Ryan.

Pat Ryan: Thank you.

Ed Harris: (garbled). **Mr. Harris was not at the microphone.**

Councilman Collier: A combination of both.

Ed Harris: It is. Will I have chain link or decorative around the water tower? My view. I need to know.

Pat Ryan: Do you want me to answer the question?

Ed Harris: Yes. Yes, Sir. I live at the property adjacent to that; I have a view down the hill; you're going to be placing a fence against my property and I want to know if it's going to be chain link fence or decorative?

Pat Ryan: The decorative fence goes in front of the _____ building and around the well. The chain link fence goes at the remainder of the site, only it's set back, not against the property on the east side, near the tree line, closer to the water tower.

Ed Harris: You're going to put a chain link fence around the water tower?

Pat Ryan: Yes.

Ed Harris: Okay, thank you.

Pat Ryan: Did I say something wrong?

Mayor Jones: No, you did not. Thank you Mr. Ryan for all your help that you've done.

- a. Shipbuilders Water Tower Foundation, including possible vote to approve substantial repair expenditure

Kristy Rogers: At the last meeting, it was asked that the document, originally signed by Mr. Abbott, be supplied to know what Baker Ingram & Associates scope of work was, so that is the documented dated June the 18th of 2013. The second document dated January 3, 2013 is the cost estimate that was prepared for the construction for the cost of the repair to the foundation.

Mayor Jones: And there was a document in our package last month, that was actually dated September 2012, where these items were indicated as a problem. Well, I will come right out of the box and tell you that I'm concerned about the value of this repair; considering that this repair by Baker Ingram & Associates is really not going to fix the continuing problem which cannot be inventoried directly under that storage tank. I have to admit we have an awful lot of water issues on our plate right now and spending over a quarter of a million dollars on fixing the base of a 75,000 gallon water tower just doesn't seem very prudent right now. So, I don't know what your feelings are after having read this. I'd like to get a little bit more information or ask a few other questions. That's a lot of money and are there any alternatives, at all?

Councilman Collier: As I understand it, Baker Ingram & Associates, this is not a proposal for them to do the work at this price; it's their estimated cost.

Mayor Jones: I understand that.

Councilman Collier: Okay. I just want to make sure I understand it too.

Councilman Coté: It's not a very informative estimate.

Councilwoman Patterson: No, it's not.

Councilman Collier: It would be an expense to move forward and take it to a bid and have the opportunity to reject any and all bids, because we still have to make it an expense; I think we're kind of locked into an expense with this anyhow; because we've secured them to carry us through that process. I see some numbers in here and I appreciate your sentiments and I have to agree with you; over \$300,000 to repair a 75,000 gallon water tower it seems like a terrible amount to spend for such a thing; particularly when the gentleman stood here and told us that he didn't know if it would fix it for... he couldn't tell us how long it would fix it for; that it was an ongoing process, that once the deterioration began, basically what I got was that this would stem the deterioration, it wouldn't fix it.

Mayor Jones: It's not going to fix the integrity of the concrete.

Councilwoman Patterson: Right.

Mayor Jones: So I fully believe we need to look at where the whole water system is and where it's going. Seriously, if you're talking about in the not so distant future, whether we still have a need, an identified need for above-ground storage, you're putting this much money into fixing a pad. You may be replacing your water storage source. I'm not saying that's what would happen, but I think this is just enormous.

Councilman Collier: I can't recall what the estimate was to put an above-ground storage in when they were talking about figures from these past referendums, but this seems like it's a great deal... I'm not going to say it's all of it, but it's a pretty nifty percentage of it, anyhow. Councilman West do you recall what the estimated figure was to build a new water tower, that was proposed?

Councilman West: It was over \$1 million.

Councilman Collier: So this is one-third of that. \$1.2, okay thank you Sir.

Mayor Jones: That was the second referendum.

Councilman West: The second referendum had nothing to do with the water tower. The second referendum had to do with Wagamon's loop; it had to do with putting in a new well and a treatment plant and repairing this water tower base.

Mayor Jones: Councilman West I believe that that application went in in two phases and I believe you're right on the first one and I think the second phase did contain the elevated tower.

Councilman West: No. No it did not.

Councilman Collier: The very first referendum that was defeated had the elevated tower in it and that's what I'm trying to get at.

Councilman West: That's when we did all our homework for a year and the people would not approve an elevated tower. But they would go for everything else. Then it got shot down, because of this number; so that's neither here nor there. But at the elevated water tower was not on the table in this last referendum. It was in the first one, but not the second one.

Councilman Collier: I'm just trying to get a sense of what the estimated cost was then to put...

Councilman West: It was higher than what this one was.

Councilman Collier: Oh, by all means, because...

Councilman West: It was like \$375,000 to \$380,000 to fix that base the first go around.

Councilman Collier: It's not changed that much, but it's still pretty exorbitant.

Councilman West: It's still a hefty hunk of change, but...

Councilman Coté: I don't know. Do we even have a more current estimate of what it's going to cost to fix this? This is almost a year and a half old; what we've got in front of us and it said the estimate was prepared using pre-final drawings; no significant changes to the drawings have been made since that time and due to the unknown condition of the reinforcing steel, the final Scope of Work and associated costs may not be known until the project is completed and they're still estimating \$330,000 and change and it's a year and change old.

Councilman West: Then I suggest we table this and check into better alternatives on this.

Councilman Coté: In the discussion when the engineer's were here, they were somewhat insistent that we should begin this... we should have started this a month or two ago, because they thought the deterioration was that significant. I'm a bit at a loss.

Mayor Jones: Wait a minute, September of 2012 they report that there is... that's where you read that, was in your last month's package; it was dated September 2012 when this company identified that problem with the testing of that concrete and this pricing, like you said, is now over a year old. I think that this value may just be extremely high for a water tower that is at it's size and capacity is almost obsolete; building a 75,000 gallon water tower; not that we don't need it. We do need it. It's a part of our system.

Councilman Collier: Yes, we need it. What makes better sense, to put a band aid on a 75,000 gallon tower; let's get going and look at something bigger and I know we're at the mercy of the people, but it is what it is. Sooner or later they're going to have to realize these things. This water system really stands in the way of a lot of good things for this Town and one of them is growth and if we ever expect to prosper, we're going to have to grow. If you don't have the infrastructure in place, and that infrastructure being the water system... I just don't know what action to recommend at this time, other than to... we table, but we have to have an action to move forward from tabling it. We just can't lay it on the table and look the other way.

Councilwoman Parker-Selby: Were these structural engineer's the only company looked at for these bids, at the time? Or are they the only ones in the State?

Councilman Collier: I don't know if they're the only ones in the State, but Baker Ingram & Associates is probably a very reputable firm and we probably didn't do badly in hiring Baker Ingram & Associates; they have the closest office to the area and they're very reputable. It's not a matter of we went bargain basement with these guys and I think that you'll find to bring in another firm at this late hour, to give us basically the same assessment.

Councilwoman Parker-Selby: I just don't see trying to fix the base of something as the Mayor mentioned, but we are with this water situation, we are or possibly may have to go for an entirely different type of set up.

Councilman Collier: Mr. Wingo, this is your water system? Do you want to weigh in on this?

Greg Wingo: Absolutely. This has been a big issue and I've had Mr. Young out there, probably a month and a half ago and this issue has actually gotten even worse over the last four months. About four months ago we went out there and we cleaned up every bit of concrete that was peeled off of it. Just for the passers by, anybody walking by it, with me not knowing anything about it and just a resident in this town, if I took my dog for a

walk by it, I would have some huge concerns. It's a huge issue and you want to go back on the price to probably have a new water tower, you're looking at anything over 120,000 gallons in the air, you're looking at over \$2 million; not counting you've got to find land for it; you've got your costs for your piping. I will tell you right now that if you wanted to use the land out there to Shipbuilder's, where that tower is right now, you won't be able to pump enough to keep this town going, just by using this one tower. I had a talk with Kristy today and I really, truly believe with the gallons that we've been pumping, just this winter, we're going to end up turning Well 5 on and we're lacking in that issue and I'm working on a different project for a new well system, that might be here in the near future. But repairing this water tower, he stood up here and said, you could possibly get 15-20 years; but any kind of concrete work, you're not 100% guaranteed on what the life span is going to be. Baker Ingram & Associates when they were chosen to come in on this project, they do structures all over this country and design them. They work on big projects like this, so that was kind of a ball park answer with the money ordeal and he was hitting it on the high side. Now I can't guarantee if this project gets done that it's going to be over \$330,000; but I told him to come in with a number and hit it on the high side. It's going to have to be fixed, or it's going to have to be abandoned. If you go to abandonment, then you're going to have to have your ducks in a row to spend over \$2 million to put up a new one. The price to go ahead and fix this, it's not as they say a band aid. You're getting a whole new foundation. The structure of the water tower it's going to be there 30, 40, 50 years from now, with very limited maintenance other than painting it or maybe doing some plate work here and there to it, so the actual tower is in great shape, it's the foundation from when it was poured and set that the foundation concrete, was not up to code at the time; whether that was due to lack of inspections or the concrete testing. I don't know. I can't answer that question, but the way that I would like to go with this is to go ahead and continue the bid process to see what we can get in and look at the numbers and then go from there, but in my eyes, the way that I see it, I don't have a crystal ball. I can't see into the future, but just from talking with Frank and seeing that foundation and looking at it with my own two eyes, it's something that needs to be taken care of, because I can't guarantee that that in a bad storm that rolls through here, 100 mph winds, that that tower is not going to go anywhere. I'm not going to sit here and guarantee it. I will, on the record, ask that if we can't move forward on this, for some reason, that I would like a letter, whether it's from the Mayor or anybody on the Council, I don't want to have the liability on myself and on Kristy. As I said, I'm hoping it never happens, but you never know what's going to happen every day. If that tower falls the wrong way, you're looking at a mess of lives that we should be sitting here on an issue like that, to help protect.

Mayor Jones: Two things, you went on the record and said that the repairs are going to replace the entire foundation. I don't believe that's the case.

Councilman Collier: Not according to this estimate.

Greg Wingo: Over a six month process they're going to take slices, because they can't take the whole thing out and relay the whole thing.

Mayor Jones: Right 1' to 2'.

Greg Wingo: So they're going to take sections at a time, out of it. So it's going to take them approximately six months to go ahead and go all the way; they're going to replace

from start to finish; it's going to be a complete circle when they get done. It's not just going to be the one side.

Mayor Jones: It's not going to be under the tower itself?

Greg Wingo: Yes, the foundation is under the tower; the foundation is under this tower here. It's going to be the whole foundation; but it's going to be little sections at a time, because you can't replace the whole thing at once.

Mayor Jones: Okay, I guess the second part of that question, because that's not what I understood, that they still had no way of knowing what was actually happening to the foundation underneath the tower, for obvious reasons. My other question is, rarely, a statement first; rarely has this administration ever looked back, but my question is where have these documents been if this is so imperative? Is anybody able to answer that and I'm not holding anybody to this, but I am asking the question.

Kristy Rogers: Greg and I started questioning the documents; we were getting bills; we weren't approving them until we had a meeting with Mr. Young; because we did not have these documents. They were in a folder somewhere in Town Hall and we let Mr. Young know that we're not approving anything else until we have a meeting and you bring us copies of everything that you have done for this project. That was not until maybe two months ago, that we first met with Frank.

Mayor Jones: Thank you. Mr. Wingo, I guess my and I don't blame you for wanting a letter, except the Town would just be sending a letter to itself. I guess in the bigger picture is, if we had other water needs identified, and we collectively, whether it came from the Water Committee or the Council, decided that what we needed was something larger in storage capacity; how much would that much money pay towards a greater capacity structure? Even if it was at that same location, with a new foundation?

Greg Wingo: I'm not saying that you don't need another tower. Part of my five-year plan, I have a tower set aside, in this five-year plan that I'm putting together. That would be the wrong spot to put a bigger tower; but then again, you need a tower on that side of Town, because for continuing growth on that side of Town. If you take that tower down, you can put up all the pumps you want; you're still not going to get and keep the psi to your homes that you need to continue. We never what's going to go out here on 16, so it's still a good area and there again, if the tower was in bad shape, I would probably be trying to push to go ahead and let's get a new tower in that same area. But that tower is in really great shape; there's nothing wrong with the tower; it's just one that it is a little small. The other is the foundation issue and for the cost to repair that foundation vs. saying that we go ahead and spend \$2 million to go ahead and put up another tower, I think we're at where we need to go ahead and fix what we've got now and then in the future, like I said, five years down the road, we're going to be talking again about another tower; maybe on the other side of Town.

Councilman Côté: Just as a question, in your five-year plan where you have a new tower, how big is it?

Greg Wingo: I'd like to go at least 150,000 and that's on the small side. Like I said, I've got several prices to try to get with different sizes; but as big as this town is getting, you're future projects on expanding, you don't want to go too awful big. I've heard a lot of ideas well let's put up a 500,000 gallon or 1,000,000 gallon and I think that's awful big; and like I said, you've got to have the area that's going to handle that.

Councilman Coté: My recollection is the first failed referendum was a 750,000 gallon; does it make sense, Council, for us to simultaneously start a bid process to collect information and be able to reject any and all bids, on a new 150,000/200,000 gallon tank and get current estimates to do the repairs and then we have real information. If we do the repairs we're started in the process to get the bids, to get the actual cost of the work and we have something to compare, if we're going to spend \$300,000 on an old item vs. \$1.5 million that's twice as big? We have some comparisons to make. I hate spending \$300,000 on an old thing, you know you need to replace; but if that's what we need to do, that's what we need to do. If the other project is at this point in time, cost prohibitive, and we start the process from the drinking water fund to get the grants to do the work; then we have some information for that too. But I don't know that we can wait on getting started on this.

Councilman Collier: Well I think we can get estimates; I don't know that we can solicit any bids, until we know what it's going to cost, so we have funds to cover it, because we're limited to what we can borrow, if we have to borrow, without going to referendum. I have to agree with you Councilman Coté. I feel like we're lacking a little piece of the puzzle here. I'm just not sure how to go about obtaining and we can't take 3 or 6 months to get to that point. We've got to expedite these answers, or get them expedited very quickly.

Councilman Coté: I agree.

Councilman Collier: Just to go to bid on this water tower, to keep these people in the loop, we're looking at \$18,500 is Baker Ingram & Associates; costs to cover the construction documents, the bidding and negotiation and the construction fee services, which once you put it out to bid, you start that bomb ticking. So, the structural estimate, I think we're going to have to live with their structural estimate, because no one else is going to give you one based on walking up to it and looking at it. They're going to have to do the same amount of investigative work. The only thing that we can possibly get any estimated prices on, at this point in time, would be to construct an entire new tower and I think that our municipal engineering firm could probably provide us with that, if we asked them to do so. We're going to kind of have to live with this one number, because I don't think you're going to be able to find anyone that will give you another one without going through a significant expense because of the nature of the repair.

Councilman Coté: On the repair work, we could get the bids.

Councilman Collier: That's when you kick in this expense of \$18,500; I think we need to get two numbers to compare before we proceed in either direction, is what I guess I'm driving at.

Councilman Coté: But we need to do it in a...

Councilman Collier: I know, it has to be done in pretty quickly.

Councilman Coté: Very quickly. So do we need to make a motion to task the engineering firm to come up with the price of an estimate...

Councilman Collier: A suitable size replacement?

Councilman Coté: Yes, suitable size, good.

Mayor Jones: Right at this moment, I'm willing to entertain a comment from Mr. Mazzeo, in case he happens to have something we all would benefit from hearing, if he would walk to the microphone.

Don Mazzeo, 113 _____: Question, if there were a catastrophe tonight, do we have a plan in place that would substitute the 75,000 gallon tank?

Greg Wingo: I can keep you pumping, as I said, we're going to have to turn well number 5 on and I can keep this town with water.

Don Mazzeo: Is well 5 prepared for use immediately?

Greg Wingo: I can turn well 5 on right now.

Don Mazzeo: Then I guess the question that I would pose to Council is, are we prepared not to have water for our community, or are we prepared to look five years down the road or do we want to have another band aid? We just had folks here coming from Tidewater. We said, I believe in generality, we don't want band aid. Yet, we're looking at a band aid here; so my point.

Councilman Coté: Unfortunately, one of the differences in the band aid...

Don Mazzeo: Who's money?

Councilman Coté: That's right. Exactly.

Mayor Jones: Council, please forgive me, but I did ask Mr. Mazzeo to speak.

Gwendolyn, if you will be extremely brief, please and then we have to move on. It is very late and we still have stuff to do.

Gwendolyn Jones: I've been watching the water issue for a bit. I have a question. If the, I don't know what's projected on the span of the small tower is; what is the feasibility of putting a larger base in there, that would be able to support the projected, larger new tower; possibly put that new base in; use the small tower until we can recoup some funds, etc., and then put the bigger tower on that base. It's just a suggestion. I don't know the figures, the numbers, or time projections or anything.

Mayor Jones: I don't know what Council wants to task any of our professionals with; but I would like to at least have until the meeting on the 7th of May to collect some data and bring it back under this issue. The reason I say I don't want to perpetuate the fact that there's no urgency, but there appeared to be no urgency to this matter; except you figured it out. You were paying the bills and didn't know what your services were for. So thank you for finding that. That is my recommendation, but I'm not able to put that in the form of a motion; it would be up to Council.

Councilman Collier: Alright, let's see if we can get this moving forward. I would like to make a motion that Mr. Wingo meet with our Town Engineer with a task proposal and to look into this idea of replacement vs. repair; just a cost estimate and bring that back to the Council on the 7th of May, in addition to any other information he thinks would be pertinent to the proposed repair work and give us a report.

Councilman West: I'll second that motion.

Mayor Jones: Any further discussion?

Councilman Coté: Would you be willing to clarify that a little bit? The motion.

Councilman Collier: I think I moved that we task Mr. Wingo with meeting with the Town's Engineering firm and first of all, coming to an agreement with a Task Order to prepare an estimate for a replacement tower of a suitable size and I will leave that to Mr. Wingo's expertise to determine what suitable size is. Once we have that data, and any other information he feels pertinent to this repair in his hands, he can report back to the Council on the 7th, so I'm giving him a very small window of opportunity to get this done. Is that clear enough?

Councilman Coté: I'm much more clear about it now, than I was.

Councilman Collier: Okay, thank you.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried.

b. Tidewater Utilities Wastewater Treatment Plant

Mayor Jones: Thought I am not certain of the intent, of other than through Council for further discussion. I am still curious by one of the comments made this evening, about a committee or a group being put together to look at what's in front of us. I'm not exactly sure what the intent was of that recommendation or who, maybe that individual had in mind for that recommendation and I'm not saying that's necessarily the way to go, but this is a huge challenge on the backs of Council and we will need to move relatively quickly in determining a course to look into Tidewater's proposal. Does anybody want to discuss that any further under this item?

Councilman Collier: I think you've hit it on the head.

Mayor Jones: Is that just a simple matter of a table?

Councilman Collier: Move to table.

Councilman West: Second.

Mayor Jones: All in favor say aye. Opposed. Motion is carried.

d. Appointment/Re-appointment of Committees

Mayor Jones: I do have a few names to offer you this evening. Each of the people already have their ethics forms complete. We'll start with Board of Adjustment, Jim Crellin has agreed to serve again on the Board of Adjustment. If approved, his term would be April of 2017 and Mr. Carbone, I right now have a message out to Mr. Carbone to gauge his interest. So under the Board of Adjustment I'm offering only the reappointment of Jim Crellin for your approval.

Councilman Collier: Move to approve.

Councilwoman Parker-Selby: Second.

Mayor Jones: All in favor say aye. Opposed. Motion carried. Under Planning and Zoning we have lost Virginia Weeks. A member of the Historic Preservation Commission a year ago, made mention of their interest in moving into Planning and Zoning if an opening occurred. Unfortunately, it will create another opening in Historic Preservation, but I offer for your approval and acceptance the name of Ted Kanakos to move into the Planning and Zoning Commission; that would make a term, if approved of April of 2017.

Councilwoman Parker-Selby: I move we accept Mr. Kanakos.

Councilman Collier: I'll second that.

Mayor Jones: Any discussion? All those in favor say aye. Opposed. Motion carried.

Under Historic Preservation Commission, Dennis Hughes has agreed to serve again if approved. His term would go to April of 2017. Kevin Kelly, I was not able to reach him and I have not received a call back, but it's an offer for reappointment, so this evening what I'll tell you is we have with your vote to approve Mr. Kanakos into Planning and Zoning, it has now left another vacancy, which I will need to work on and I will do my best to have that filled by your May 7th meeting and offer that name to you and hopefully, by then Kevin Kelly will also come back, but tonight it's just the

reappointment of Mr. Hughes for your approval.

Councilwoman Parker-Selby: Move to accept Mr. Hughes.

Councilman West: I second that.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried. Thank you very much.

e. Site Plan extension for Holly Lake project

Mayor Jones: You'll have some information in your package here. This synopsis was prepared by Robin Davis. I think he did a good job of the history. What I'll point out to you is Mr. Davis does not know that we have been granting extensions to another site plan in reference to Mr. Turner's request; it does say outside of the original agreement that after March 18, 2013, the town agreed that Mr. Turner shall be permitted to exercise up to three additional one year extensions of his site plan approval, should the need for additional extensions of his site plan approval be necessary. Question, I haven't seen any action on that property, so without Mr. Davis here, what would be the best motivation to wanting to continue those extensions. I'm sorry I did not know you were here to speak on that this evening. My apologies. Just identify yourself, if you would please.

Charles Turner, owner of Holly Lake sub-division: I have a perspective buyer right now and I'm waiting so that I can get this straightened out. I didn't follow through on that letter. It's my fault.

Mayor Jones: I just had not seen any action. Of course you can't see much just driving by on Lavinia...

Charles Turner: Well I keep the grass cut and trees pruned. So I'm just here to see if I can get this extension straightened out, before I enter into any contracts.

Mayor Jones: And that extension of that site plan kind of paves the way I'm looking at Mr. Thompson at the same time; kind of paves the way for an easier sale and those perks that go along with that property. Is that correct?

Seth Thompson: That is correct. I take it your purchaser... on occasion a purchaser will have a different idea for a project, but for the most part they tend to buy if it's an asset to the property to already have an approved site plan; they don't have to pay for the process; it's already gone through that process. So there's more certainty, which tends to increase the value of that property.

Councilman Collier: My only question would be Mr. Thompson, if this property does, indeed, change hands, this agreement that I'm looking at, this signed agreement that I'm looking at, pretty much dies with the change of ownership, or does it pass?

Seth Thompson: It does. If you look at the very last paragraph it says it's binding on successors.

Councilman Collier: I see it now. Thank you. We just need a motion to approve the extension?

Councilman Coté: Just a quick... Is this the first or the second of the three extensions?

Charles Turner: This would be the remainder of the second.

Councilman Collier: He's late getting it out.

Charles Turner: Yes, so I'm just asking for the remainder of the second and then third would have to be applied for.

Councilman Coté: But you've already gotten the first one?

Charles Turner: No. I failed to send the letter.

Seth Thompson: Maybe I guess we're talking about different things. But there was the three year extension.

Charles Turner: Yes, we had the three and the project's been going on so long, it slipped, that's all.

Councilman Coté: It says that you should file them before the last one expires. So it's been not a few days, it's been a year and a few days.

Charles Turner: Correct.

Seth Thompson: Mr. Turner, one quick question. I don't know if you've identified the prospective buyer, but I take it you're going to make the buyer aware of the agreement with the Town?

Charles Turner: Yes. Yes.

Seth Thompson: Okay, terrific.

Charles Turner: That would be a condition of sale. Yes.

Seth Thompson: Great and I just wanted to make sure everybody was aware of that, so we don't have a new purchaser coming in and saying, what am I supposed to be done with this easement across my property.

Councilman West: So what you're basically saying is you want this to start into the second year and they'd be able to extend it into the third year?

Charles Turner: If necessary, yes.

Councilman West: Okay.

Councilman Collier: I move to go ahead and grant this gentleman's request, based on what's been described.

Councilman West: I'll second that motion.

Mayor Jones: Any other discussion? All those in favor say aye. Opposed. Motion is carried. Thank you for staying with us so late Mr. Turner.

f. Comprehensive Plan

Mayor Jones: This next one will be very quick. My discussion with Deputy Sussex County Administrator, Hal Godwin started in late 2013, as my note here describes to you. I know Hal and Jocelyn and I think they are a great match for our Town, simply because of their affiliation; that's not even the fact that both of them were employed here; but I did go forward in asking them to help without coming to Council and asking for each person's approval, their blessing, if you will. The Godwin's will work along with Mr. Mazzeo and Planning and Zoning as moderator's, basically. The people standing in the room, taking the questions and writing things down on the bit easel board. So that is how I see Mr. and Mrs. Godwin; they have cleared any question of Conflict of Interest with their respective employer's; one being the County and one being the Town of Georgetown.

Councilman West: Well Madame Mayor, I'll make a motion that we have Hal and Jocelyn Godwin have the role of moderators, compiling the information.

Councilwoman Patterson: Second.

Mayor Jones: Is there any discussion? All those in favor say aye. Opposed. Motion is carried. Mrs. Rogers, could I ask you please. The Town of Milton would like to actually, formally, as a part of the record-keeping of the Comprehensive Plan, could the Town of

Milton invite them to join us in this capacity? That will give a good starting point as to how they arrived at our doorsteps to help us for the history. Thank you.

11. Executive Session:

- a. Discussion of the content of documents, excluded from the definition of 'public record' in 29 Del C. § 10002, including records with trade secrets, confidential/privileged commercial or financial information, or exemption from public disclosure by common law.

Mayor Jones: A motion to go into Executive Session?

Councilman Collier: Motion to go into Executive Session.

Councilman West: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried.

Councilman Collier: Motion to come out of Executive Session.

Councilman West: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried.

12. Discussion and possible vote on Executive Session items

Councilman Collier: Motion to approve the contract, as discussed.

Councilman West: I second that.

Mayor Jones: Is there any further discussion? All those in favor say aye. Opposed. Motion is carried.

13. Adjournment

Councilman Collier: Motion to adjourn.

Councilman West: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried. Meeting adjourned at 11:36 p.m.